

PASTORAL
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COMPANION

BY ANSEL W. DONZELET

Pastoral
Companion

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To: Rev. Father Stanislaus Trenner O.F.M.

With Best Wishes.

From: Mr. & Mrs. J. J. Brady.

1939

The Pastoral Companion

by

FR. LOUIS ANLER, O.F.M., L.G.

ADAPTED FROM THE GERMAN

by

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Preface to the Sixth Edition

THE purpose of *Pastoral Companion* is not to present an exhaustive exposition of Pastoral Theology, but to treat in a compact and concise form only those subjects of Pastoral Theology and Canon Law which easily escape memory and cause doubts and perplexities in the sacred ministry. In its adaptation this little work has experienced many changes and additions—caused chiefly by recent decrees and by church legislation peculiar to the United States; but throughout, its practical purpose has been the guide in the selection and limitation of the matters presented. General principles have been omitted. Only those subjects have been treated which, as experience teaches, often demand immediate decision and action. Theological discussions are beyond the scope of this work.

The extraordinary reception given *Pastoral Companion* has made necessary its sixth edition within the short period of five years since its first appearance. It has been hailed as “the most complete and compact ready reference book of every day questions of morals, liturgy, and canon law”.

All the latest Roman decisions to date bearing on the topics treated have been embodied. The regulations of the S. C. for the Oriental Church with regard to the administration and reception of the Sacraments, the observance of the holy days of obligation and fast days for the Greek-Ruthenians in the United States, contained in this volume, are to be in force till March 1, 1939. A. A. S., 1929, pp. 152-159.

May *Pastoral Companion* continue to contribute its little share to the realization of the desire of St.

Alphonse: "Let no confessor neglect the study of Moral Theology. For among the manifold and diverse matters of this science there are many that, even though they have been read, in the course of time escape memory because they occur less frequently. Hence it is of great importance that by frequent study they be recalled to memory." Praxis Conf., n. 18.

H. B., O.F.M.

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PART I.

Baptism.

CHAPTER I.

Subject of Baptism.

I. INFANT BAPTISM. 1. An infant shall not be baptized while still enclosed in the mother's womb as long as there is probable hope that it can be baptized when born. In case of imminent danger of death, if the infant presents the head, it may be baptized on the head, and Baptism shall not afterwards be repeated conditionally if the child lives. Should any other limb emerge, the infant may, in imminent danger of death, be baptized on that limb conditionally, but if the infant survives, Baptism must be repeated conditionally. C. 764.

2. In case of death of a pregnant woman, the fetus (unless it is certain that the fetus is also dead) should be extracted by those whose duty it is, and baptized absolutely if life is certain, or conditionally if life is doubtful. The priest has at most the duty to urge the relatives and the surgeon to perform the operation after death is ascertained, as soon as the law of the respective state permits. C. 746.

3. Care should be taken that every *fetus* born prematurely, no matter at what stage of pregnancy, be baptized: the Baptism should be absolute, if it is certain that the fetus is alive; conditional, if life is doubtful. C. 747.

4. Monstrous and unusual forms of the *fetus* should always be baptized, at least conditionally; when there is doubt whether the fetus is one being or several, one should be baptized absolutely, and the others conditionally. C. 748.

The pastor should in his instructions to the bridal couple and instructions to the doctors, nurses, midwives, remind them of the obligation to secure Baptism of the fetus in the above cases, as also in the case of any infant that is in

danger of death. The manuals of pastoral medicine indicate in which manner an abortive fetus may be baptized.

Infants who have been abandoned shall be baptized conditionally, if after careful investigation there is no certainty about their Baptism. C. 749.

Parents who have abandoned their infant by leaving it in the street or hallways, lose their right to it.

5. Children of infidel or heretical parents may lawfully be baptized only in case the danger of death is such that it can be prudently judged that the child will not live until it comes to the use of reason, or outside the danger of death if there is guarantee for the Catholic bringing up of the child. C. 750, 751.

An infant of infidel or heretical parents may be lawfully baptized even despite the objection of the parents, if danger of death of the infant is such that it may be prudently judged that the child will die before it comes to the use of reason.

Children born in the United States of a couple of mixed Rite are to be baptized in the Rite of the father; male and female children must follow the Rite of the father. A. A. S. 1929, p. 159.

II. ADULT BAPTISM. 1. An adult shall not be baptized except with his own knowledge and consent and after due instruction. He is, moreover, to be admonished to repent of his sins. In danger of death, if a more thorough instruction in the principal mysteries of faith is impossible it is sufficient for the conferring of Baptism if he in some way manifest his assent to the mysteries, and promise solemnly that he is willing to keep the commandments of the Christian religion. If he cannot even ask for Baptism, but has either before or in the present condition given some probable manifestation of an intention to receive it, he should be baptized conditionally. If he should recover, and there remain doubt as to the validity of the Baptism, Baptism must be repeated conditionally. C. 752.

2. In extreme cases, if the sick person can no longer manifest his intention to receive Baptism, the Code seems to allow conditional Baptism on the basis of a probable intention.

If adults are found unconscious and have in no way manifested their intention of receiving Baptism, they may not, according to the more probable opinion, be baptized; but Capello holds with Lehmkuhl, Genicot and others that he who administers Baptism in such a case is not to be censured. Capello (1928), I, 120.

3. If an infidel has joined a Protestant sect and has some knowledge of the Blessed Trinity, Incarnation, and Redemption, but does not know the difference between the Churches, and because his death is imminent, a short instruction is impossible, or if possible, might only serve to upset his mind, he may be left in good faith and be baptized by the priest, provided he wants to receive Baptism. Woywod, Practical Commentary on the Canon Law, vol. II, p. 331 ss.

CHAPTER II.

Manner and Place of Baptism.

1. According to a most ancient custom, no one should be baptized *solemnly* unless he has, if possible, a sponsor, who may be of either sex; but two sponsors at most, namely one man and one woman, are allowed. C. 762, 764.

Even for private Baptism there should be a sponsor if it is easily possible.

2. If Baptism is repeated conditionally, the same sponsor as acted at the first Baptism should, if possible, be present; otherwise (for instance, if converts are baptized conditionally) there is no need of a sponsor for conditional Baptism. C. 763.

In order that one may validly act as sponsor:

1. He must be baptized, of the age of discretion, and have the intention to act as sponsor;
2. He must not belong to an heretical or schismatical sect, not be excommunicated by a condemnatory or declaratory sentence, not suffer from infamy of law, nor be excluded from legal actions, nor be a deposed or degraded cleric;
3. He must not be the father or mother of, or married to, the one to be baptized;

4. He must be designated either by the one to be baptized or by the parents or guardians, or in their default, by the minister of Baptism;

5. He must, either in person or by proxy, physically hold or touch the one to be baptized, or receive him immediately after Baptism from the sacred font or from the hands of the minister. C. 765.

In order that one may *licitly* act as sponsor:

1. He must be thirteen years of age, unless for a just reason the minister admits a younger person;

2. He must be free from excommunication for a notorious crime, nor be excluded from legal actions, nor suffer from infamy of law, even though no sentence was pronounced against him in the ecclesiastical court, nor must he be under interdict, or otherwise a public criminal, or disgraced by infamy of fact;

3. He must know the rudiments of the faith;

4. He must not be a novice or professed member in any religious organization, unless there is no other to act as sponsor and the express permission is granted by at least the local superior;

5. He must not be in sacred orders, unless he has the express permission of his Ordinary to act as sponsor. C. 766.

6. In doubtful cases as to whether one can validly or licitly be admitted as sponsor, the pastor should, if time permits, consult the Ordinary. C. 767.

7. The pastor should see that the one baptized receives a Christian name; if he does not succeed in this, he should add to the name given by the parents the name of some saint, and enter both names in the baptismal record. C. 761.

8. For grave and reasonable cause, the local Ordinary may permit that the ceremony for the Baptism of infants be used for the Baptism of adults. C. 755.

9. In private Baptism no ceremonies should be used, unless a priest or deacon administers it; in the latter case, if time permits, the ceremonies following Baptism should be performed. If the child survives, the ceremonies omitted must later on be supplied in church. C. 759.

10. In case Baptism is repeated conditionally, the ceremonies which were omitted in the first

Baptism should be supplied. If the ceremonies were performed at the first Baptism, they may be repeated or omitted at the second Baptism. C. 760.

Only in danger of death may private Baptism be conferred. The local Ordinary may, however, permit private Baptism in case of adult converts from heresy to be baptized conditionally, in which case the ceremonies need not be supplied. C. 759.

11. THE PROPER PLACE for solemn Baptism is the baptistry in churches and public oratories. C. 773. If on account of distance or any other great inconvenience or danger, the child cannot be brought to the parish church or to any other church having the right to baptize, solemn Baptism must be given by the pastor in the nearest church or public oratory within the parish, even though there be no baptismal font. C. 775.

The chaplains of congregations which have only semi-public oratories (hospitals, academies, orphanages) are as such not allowed to confer solemn Baptism there. Only if these oratories have been withdrawn from the jurisdiction of the pastor by the bishop (C. 462), and if on account of distance or any other great inconvenience or danger the child cannot be brought to the parish church (C. 775), and with the permission of the bishop, may they confer solemn Baptism in such oratories. Augustine III, p. 48.

12. IN PRIVATE HOUSES solemn Baptism may not be given, unless the bishop permit it for weighty reason in an extraordinary case. C. 776.

Solemn Baptism may never be administered in the houses of non-Catholics, not even in a case of necessity or danger of death. (S. Rit. C. Jan. 17, 1914). Augustine IV, p. 92.

For the proof of Baptism an authentic document, or the testimony of an absolutely trustworthy witness, or the oath of the one baptized in adult age is sufficient. C. 779. Since Baptism according to C. 737 is *sacramentorum janua ac fundamentum*, it is important in the case of those who make their first confession or receive their first Communion to ascertain that they are validly baptized, especially in the case of a floating population.

The pastor must carefully and without delay enter in the baptismal records the names of the persons baptized, the minister, the parents and the sponsors, the date and place of the Baptism. C. 777.

Children baptized in another Rite in danger of death, or born and baptized in a place where the proper pastor of the father was absent, belong to the Rite of the father; the priest who performed baptism must send the record to the proper pastor. A. A. S. 1929, p. 159.

In the Baptism of illegitimate children, the name of the mother is to be entered if her motherhood is publicly known, or if she of her own accord asks in writing or before two witnesses that such an entry be made. Also the name of the father is to be entered provided he himself demands it of his own accord in writing or before two witnesses, or if he is known to be the father from some public authentic document. In other cases the Baptism is to be recorded as of a child of unknown father or of unknown parents. C. 777.

CHAPTER III.

Manner of Procedure in Admitting Converts.

1. Converts should be received with great care, especially if they are strangers to the pastor. He should above all try to ascertain their motives. If material considerations (intended marriage) are impelling motives, he should tell them that such motives are not sufficient. However, he should not for this reason refuse to instruct them since grace oftentimes builds up on exterior and natural motives.

2. INVESTIGATION OF THE VALIDITY OF NON-CATHOLIC BAPTISM. Since error and unbelief on the part of the minister do not *per se* affect the validity of Baptism, the Baptism administered by heretics is without doubt valid, if the right matter, form and intention are not wanting. Hence, the S. Office requires that in every individual case diligent inquiry be made as to whether a non-Catholic Baptism is really valid.

The priest concerned in such a case has to decide whether Baptism is to be repeated conditionally. Si autem investigatione peracta, adhuc probabile dubium de baptismi validitate supererit, tunc sub conditione iteratur. S. C. Inquis., July 20, 1859.

"In case the investigation cannot be made easily, Baptism may, as a rule, be repeated conditionally without any further ado." Mutz, p. 224. Si dubium supersit vel investigatio fieri non possit, iterabitur baptismus. S. Office, February 14, 1885.

3. REPORT TO THE BISHOP. The Baptism of adults, if this can be conveniently done, should be referred to the local Ordinary, so that, if he so desires, he himself or his delegate may baptize more solemnly. C. 744. The bishops of the United States do not insist on this their right.

In some dioceses, however, the petition of the catechumen must be referred to the bishop, who then gives permission for his reception into the Church, and, in case he is baptized in some Protestant sect, grants the faculty to absolve him from the excommunication *in foro externo* (in which case no faculty for the *forum internum* is necessary). C. 2251.

4. ACT OF RECEPTION: *a.* If it is *certain* that the heretical Baptism is invalid, absolute Baptism must be administered with the ceremonies *baptismi parvulorum*, in case the person to be baptized is not yet seven years old; in case he is older, the ceremonies *baptismi adultorum* must be used, unless the bishop has granted permission to use the *ritus baptismi parvulorum*. *Professio fidei, absolutio ab heresi*, confession are to be omitted. C. 745.

b. For conditional Baptism the following order should be observed:

1. PROFESSIO FIDEI. *Per se* the Prof. fidei Tridentina should be used; however, Rome permits the use of a shorter form for converts.

2. BAPTISMUS CONDITIONATUS. N. N. si non es baptizatus, ego te baptizo, etc.

3. CONFESSION, CONDITIONAL ABSOLUTION. If the convert is married to a Catholic, the *benedictio sponsae* and the Nuptial Mass may take place as also the other ceremonies, not, however, the renewal of the consent.

The above mentioned Instructio S. C. Inq. does not mention the *absolutio ab heresi* if Baptism is repeated conditionally. *Dubia censura, nulla censura.*

c. If the heretical Baptism is valid the order of procedure is: *Professio fidei*, *absolutio ab heresi pro foro externo*, according to the formula of the ritual (sufficient for foro interno), Confession.

In the case of children who have not reached the years of puberty, reconciliation and *absolutio ab heresi* are omitted. The profession of faith (Apostles Creed) is sufficient.

N. B.—The Code desires that both the priest who baptizes an adult and the adult to be baptized be fasting, if he is in good health. Unless grave and urgent reasons prevent it, the baptized adult should immediately after Baptism assist at Mass and receive Holy Communion. C. 753.

PART II.

Confirmation.

1. SUBJECT. Persons who have not been baptized, cannot be validly confirmed. To receive Confirmation licitly and with fruit, the recipients must be in the state of grace, and, if they have the use of reason, they must be sufficiently instructed. C. 786.

Though the Sacrament of Confirmation is not an absolutely necessary means of salvation, none may neglect to receive it if they can receive it without great inconvenience. The pastor should see that the faithful receive Confirmation at the proper time. C. 787.

Although in the Latin Church, Confirmation is usually deferred until about the seventh year of age, it may, nevertheless, be conferred before this age, if the infant is in danger of death, or if the minister in any other case thinks it expedient for good and weighty reasons. C. 788. In countries where it is customary to confirm the children immediately after Baptism, this custom may be continued for grave and just reason. Ordinarily Holy Communion should come after Confirmation. Nevertheless, children who have reached the years of discretion are not to be prohibited from receiving Holy Communion, though they have not yet had a chance to receive Confirmation. A. A. S., 1932, August, p. 271. It is the duty of the pastor to see that all who are to receive Confirmation are present at the beginning of the ceremonies, and that they do not leave until the last blessing has been given by the minister of Confirmation.

2. TIME. Confirmation should if possible, be administered at least every five years in the entire diocese. C. 785.

Confirmation may be administered at any time, but it is most befitting to administer it during the week of Pentecost. C. 790.

3. SPONSOR. In accordance with a most ancient custom of the Church, a sponsor should, if possible, be procured for Confirmation. C. 793. The sponsor should stand for one or two only, although the min-

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ister may for a just reason allow him to stand for more. No candidate for Confirmation may have more than one sponsor. C. 794.

The practice of having a few sponsors for a large number of candidates is not approved of by the Holy See, and violates the rubrics of the Roman Pontificale, which rules that one sponsor should not present more than one or two, unless necessity forces the bishop to deviate from this rule. A Pract. Comment. on the Code of Canon Law, vol. I, p. 368.

In order that a person may be sponsor *validly* the same conditions are required as for the valid sponsorship at Baptism; and in addition, that the sponsor himself be confirmed. C. 796.

In order that a person may be sponsor at Confirmation *licitly* the same conditions are also required as for the sponsorship at Baptism and in addition, that he be not the same person as was sponsor at Baptism, unless for a reasonable cause, the minister of Confirmation thinks it proper to allow an exception to this rule, or unless Confirmation is legitimately administered immediately after Baptism. C. 796.

From valid Confirmation arises a spiritual relationship (no longer a diriment impediment of marriage) between the person confirmed and the sponsor, by which the sponsor is bound to take a permanent interest in the person confirmed and to care for his Christian education. C. 797.

4. RECORD. The pastor must enter in a book kept especially for this purpose the names of the ministers of Confirmation, of the persons confirmed, of the parents, and the sponsors, as also the date and place of Confirmation. Besides he must make note of the Confirmation in the baptismal record, as demanded by Canon 470, section 2. C. 798.

Obligatio, de qua supra, est certe gravis et quidem personalis. Capello, De Sacramentis (1928) I, p. 162.

If the *proper* pastor of the person confirmed was not present, the minister of Confirmation must see that as soon as possible the pastor be informed that Confirmation has been conferred. C. 799.

PART III.

The Holy Eucharist.

CHAPTER I.

Holy Mass.

1. THE CELEBRET. A priest who wishes to celebrate Mass in a strange church must exhibit authentic and still valid letters of his Ordinary, if he is secular; if he is a religious, of his superior; or, if he belongs to an Oriental Rite, of the Sacred Congregation for the Oriental Church, in order that he may be permitted to say holy Mass. Without such a celebret he may be permitted to say Mass, if the rector of the respective church knows him to be a priest in good standing.

In case a priest is not known to the rector, he may say Mass, nevertheless, once or twice on condition that he wears the clerical garb, does not receive any remuneration from the church in which he says Mass, signs his name, office, and diocese in a book specially to be kept for that purpose.

Special regulations made by the Ordinary in this matter, must be observed also by exempt religious in their churches with regard to secular priests or regulars of different Orders. C. 804. The rector or chaplain—not the sacristan, or the superioress of a religious community—should examine the celebret.

2. BINATION is allowed only by virtue of a papal indult or by the permission of the Ordinary. The bishop may grant this permission only if, for scarcity of priests, a considerable part of the faithful (about twenty persons) are otherwise not able to hear Mass on a day of obligation. C. 806. D'Annibale, III, 405.

In unforeseen cases of emergency, a reasonably presumed permission is sufficient for binating. Schubert, Pastoral Theologie, p. 458. If a pastor has received permission to binate, his substitute may, of course, also use this privilege. A special papal indult would be required to binate on week-days, or for other reasons not mentioned above. The bishops no longer receive special faculties

ister may for a just reason allow him to stand for more. No candidate for Confirmation may have more than one sponsor. C. 794.

The practice of having a few sponsors for a large number of candidates is not approved of by the Holy See, and violates the rubrics of the Roman Pontificale, which rules that one sponsor should not present more than one or two, unless necessity forces the bishop to deviate from this rule. A Pract. Comment. on the Code of Canon Law, vol. I, p. 368.

In order that a person may be sponsor *validly* the same conditions are required as for the valid sponsorship at Baptism; and in addition, that the sponsor himself be confirmed. C. 796.

In order that a person may be sponsor at Confirmation *licitly* the same conditions are also required as for the sponsorship at Baptism and in addition, that he be not the same person as was sponsor at Baptism, unless for a reasonable cause, the minister of Confirmation thinks it proper to allow an exception to this rule, or unless Confirmation is legitimately administered immediately after Baptism. C. 796.

From valid Confirmation arises a spiritual relationship (no longer a diriment impediment of marriage) between the person confirmed and the sponsor, by which the sponsor is bound to take a permanent interest in the person confirmed and to care for his Christian education. C. 797.

4. RECORD. The pastor must enter in a book kept especially for this purpose the names of the ministers of Confirmation, of the persons confirmed, of the parents, and the sponsors, as also the date and place of Confirmation. Besides he must make note of the Confirmation in the baptismal record, as demanded by Canon 470, section 2. C. 798.

Obligatio, de qua supra, est certe gravis et quidem personalis. Capello, De Sacramentis (1928) I, p. 162.

If the *proper* pastor of the person confirmed was not present, the minister of Confirmation must see that as soon as possible the pastor be informed that Confirmation has been conferred. C. 799.

PART III.

The Holy Eucharist.

CHAPTER I.

Holy Mass.

1. THE CELEBRET. A priest who wishes to celebrate Mass in a strange church must exhibit authentic and still valid letters of his Ordinary, if he is secular; if he is a religious, of his superior; or, if he belongs to an Oriental Rite, of the Sacred Congregation for the Oriental Church, in order that he may be permitted to say holy Mass. Without such a celebret he may be permitted to say Mass, if the rector of the respective church knows him to be a priest in good standing.

In case a priest is not known to the rector, he may say Mass, nevertheless, once or twice on condition that he wears the clerical garb, does not receive any remuneration from the church in which he says Mass, signs his name, office, and diocese in a book specially to be kept for that purpose.

Special regulations made by the Ordinary in this matter, must be observed also by exempt religious in their churches with regard to secular priests or regulars of different Orders. C. 804. The rector or chaplain—not the sacristan, or the superioress of a religious community—should examine the celebret.

2. BINATION is allowed only by virtue of a papal indult or by the permission of the Ordinary. The bishop may grant this permission only if, for scarcity of priests, a considerable part of the faithful (about twenty persons) are otherwise not able to hear Mass on a day of obligation. C. 806. D'Annibale, III, 405.

In unforeseen cases of emergency, a reasonably presumed permission is sufficient for binating. Schubert, Pastoral Theologie, p. 458. If a pastor has received permission to binate, his substitute may, of course, also use this privilege. A special papal indult would be required to binate on week-days, or for other reasons not mentioned above. The bishops no longer receive special faculties

in this matter. The privilege to binate ceases with the necessity. If, for instance, another priest is present, able and willing to say Mass at an hour convenient for the people, this privilege can not be used. Vermeersch, II, p. 36.

On *Christmas and All Souls' Day* all priests may say three holy Masses, also those who, owing to poor eye-sight, have the privileges of saying the same Mass every day (S. C. R., January 26, 1920). On Christmas a stipend may be taken for each Mass; on All Souls' Day, however, only for one Mass. Whoever says three Masses on All Souls' Day must apply one for all the faithful departed and one for the intention of the Holy Father. He who says but two Masses may take a stipend for the one, but the other he must apply for the souls in general. The decision of the S. C. C. of October 15, 1915, prohibiting the receiving of a remuneration for the second and the third Mass *ratione tituli extrinseci*, for instance, on account of the distance, or late hour, otherwise allowed by C. 824, has been revoked. According to the same decree it is not permissible to postpone the two prescribed intentions, in order to apply for three stipends on All Souls' Day.

On *Maundy Thursday*, if the sacred functions of the Triduum Sacrum cannot be carried out, the religious superior may say Mass privately in the oratory or church in order to give Holy Communion to his subjects. Even where the ceremonies of Holy Week are observed, a private Mass may be said in the oratory for the benefit of the sick. Vermeersch, II, p. 48.

In the parish and conventual churches the sacred functions may be conducted in the short form, as contained in *Memoriale Rituum*, in case the necessary *ministri* are wanting. For other churches a papal indult is required. In case there be such an indult, the functions may be omitted on Holy Saturday, even though they have been held on Maundy Thursday and Good Friday. If, in other than parish or conventual churches, the functions

cannot be observed in the form prescribed by the Missal, they must be omitted. Where the functions cannot be observed according to the Missal a low Mass may be said on Maundy Thursday with the permission of the bishop. According to approved custom, this permission need not be renewed every year. Noldin, III, n. 200. On Holy Saturday no holy Mass is permitted, if the sacred functions are omitted.

By the faculties which the Holy See grants to the bishops of the United States, the latter are authorized (V, 10), to permit the use of the "Memoriale" in non-parochial churches and semi-public oratories on the last three days of Holy Week.

3. When celebrating holy Mass the priest must accurately and devoutly observe the prescribed rubrics and guard against adding other ceremonies and prayers of his own choice. All contrary custom is disapproved. C. 818.

When saying Mass the priest should have a server who serves and answers him. The server at Mass should not be a woman, unless no man can be had, and provided the woman stays at a distance to answer the prayers and does not in any way approach the altar. C. 813.

In case of transient necessity, if it is impossible to have a server, Mass may be said without any server, even for the devotion of the celebrant; if the necessity be continual, a dispensation should be obtained. *Eccl. Review*, April, 1928, p. 412.

With the permission of the Ordinary the faithful may recite aloud (in *Missa Recitata*) the prayers customarily said by the server, in common with the celebrant the *Gloria*, the *Credo*, the *Sanctus*, the *Agnus Dei*, and the *Domine non sum dignus*, just after the celebrant turns with the ciborium in hand before distributing Holy Communion. But all these prayers must be said in Latin. All the other Mass prayers may not be said aloud. *Orate Fratres*, vol. VII, n. 2, 1932, p. 86. The carrying of one's own host up for the Offertory, is an innovation, which according to C. 818, cannot be tolerated.

4. TIME FOR MASS. Holy Mass should not be commenced earlier than an hour before dawn, not later than one hour after midday. C. 821. For

private Mass, one may follow any of the several ways of marking the time. C. 33.

On Christmas, at midnight, only the parochial or conventual Mass may be said or sung in the churches, at which according to an authentic interpretation of Canons 846 and 867, Communion may also be distributed. However, the Ordinary can forbid it. Vermeersch, II, pp. 48, 60. In the oratories of religious or pious houses, where the Blessed Sacrament is reserved, however, one and the same priest may say one or the three (also two) Masses, and all the faithful present satisfy their obligation of hearing Mass, and may also receive Holy Communion. C. 821. Vermeersch-Creusen, II, p. 54.

Haec facultas respicit oratoria semi-publica, et etiam publica, sed, quoad haec, *clausis januis* tantum; non extenditur vero ad *ecclesias* religiosorum quae publico fidelis populi usui inserviunt. Verum si domus religiosorum careat oratorio et ecclesiam habeat, in hac certe Sacrum fieri potest *januis clausis* ob paritatem rationis. Capello (1928) I, p. 656.

5. PLACE OF THE MASS. In extraordinary cases (per modum actus) and for a reasonable cause the bishop, and in exempt Orders the major superior, may permit the celebration of Mass outside the church or oratory in a decent place, also in the open, on a consecrated altar-stone, but never in a bedroom. To celebrate Mass at sea a papal indult is required in every case, also for those who have the privilege of the *altare portatile*. C. 822. Bishops and cardinals are not subject to this regulation. C. 239, 349.

6. The application of Mass may be made for any living person, and also for the souls in purgatory, provided the rules of C. 2262 be observed. This Canon allows holy Mass to be privately applied, if scandal be avoided, for an excommunicated person, but in case of an *excommunicatus vitandus* only for his conversion, and not for any other intention for which he may ask to have the holy Mass applied. C. 809. To those who forfeit the right of Christian burial, the funeral Masses, anniversaries and all public functions must also be denied.

Christian burial, and consequently also all public church functions must be denied:

a. Unbaptized persons, with the exception of catechumens who, through no fault of theirs, died without having received Baptism. C. 1239.

b. The following, provided they gave no signs of repentance before death (C. 1240):

1. Notorious apostates from the Christian faith, and persons notoriously known to belong to a heretical or schismatical sect or to the Masons or to other societies of the same kind;

2. Persons excommunicated, interdicted by condemnatory or declaratory sentence;

3. Culpable suicides;

4. Those who die in a duel or from wounds received in it. (If, however, before dying they have given signs of repentance, they may also receive Christian burial.)

5. Those who gave orders to cremate their bodies, and did not retract their orders before their death, even though their orders should not be carried out later on. P. C. I., November 20, 1925.

6. All other public sinners. As such must be considered those living in public concubinage or unlawful wedlock; those who bring up their children in the Protestant faith. S. Off., May 8, 1907. Those who have neglected their Easter Communion are only then to be considered public sinners if the neglect is certain and publicly known. The penalty (fer. sent.) of the Lat. IV is no longer in force. In doubt the case should be referred to the Ordinary.

Non-Catholics after death are, therefore, excluded only from the public, not the private, application of the Mass.

In the burial of converts to the Church the question arises frequently whether they may be buried with their family in a non-Catholic cemetery. The Third Council of Baltimore rules that converts whose families have a family lot in a non-Catholic cemetery may be buried there and that the priest may perform the usual funeral services in the home or in the church, unless the bishop has forbidden it for grave reasons. The individual grave is to be blessed privately by the priest. C. 1206. These rules also apply in cases of Catholics who before the year 1853 had bought a family lot in good faith in a non-Catholic cemetery, or who after that year bought a lot in good faith and in ignorance of the law of the Church. In all other cases, the priest may not have funeral services for Catholics who are buried in a non-Catholic cemetery without the explicit permission of the bishop. C. Balt. III, No. 3, 8.

In reference to burial of non-Catholic members of Catholic families who have a vault, the declarations of the S.

Congregation of the Inquisition, March 30, 1859, and April 25, 1860, allow interment of such members in said vault, without, of course, any Catholic funeral services by the priest. Sabetti-Barret (33 ed.), p. 1018.

7. MASS STIPENDS. No priest is allowed to demand a larger stipend than that fixed for the diocese. However, he may demand an additional tax for extrinsic reasons, such as a late hour, distance, singing. A priest who regularly has a sufficient supply of larger stipends may decline to receive any but *stipendia pingua* for his personal use.

The rector of a church may demand from visiting priests a tax to defray the expenses (such as Mass wine and candles) connected with the celebration of Mass; but he may not deduct a part of the stipend for this purpose. S. Alph., VI, n. 322.

With the consent of the local Ordinary, the rector of a church may celebrate marriage or funeral Masses and accept the stipend on suppressed feast-days, deferring the *applicatio pro populo* to some later date. C. 466.

It is presumed that the one who offers the stipend only requests the application of holy Mass; if, however, he has expressly stipulated certain conditions for its celebration, the priest who accepts the stipend must fulfill the conditions made by the one who offered the stipend. C. 833.

GREGORIAN MASSES. Haec circumstantia satis graviter obligat, et in eo consistit, ut pro uno defuncto (S. C. Indulg., August 24, 1888,) 30 diebus consecutivis 30 missae applicentur sive ab uno sive a pluribus sacerdotibus. Si sacerdos *inculpabiliter* omiserit uno die hujusmodi missam, non videtur obligatus esse iterum incipere totum numerum, sed sufficit simpliciter numerum trigesimum complere, quia istud onus esset nimis durum; neque constat animam defuncti ex hac omissione damnum habuisse, praesertim si sacerdos missam in altari privilegiato celebrat. Prümmer, III (2), n. 269.

Arregui (p. 360) permits this at least, *si sub finem tricenarii*, the interruption takes place without

any fault, because it can be reasonably presumed that the donor of the stipends does not demand of the priest to repeat the Masses already said. Noldin only then obliges the priest to repeat all the Masses, in case he has received a *stipendium extraordinarium*. On Christmas only one Mass may be applied as a *Missa Gregoriana*. On the last three days of Holy Week the interruption is permissible. A priest binating on Sunday may not apply the one Mass for the Gregorian, if the other has to be said *ex justitia*.

For Masses to be said at the privileged altar no larger stipend may be demanded by reason of the privilege. C. 918. This would be simony. Majus tamen non exigit sacerdos, qui cum varia stipendia recepit, applicationes ad altare privilegiatum pinguioribus reservat et de re petentes monet, dummodo sincere agat. Sed facile quadam cupiditatis specie is modus agendi inficietur. Vermeersch, Th. Mor., II, n. 209.

DISPOSING OF STIPENDS. He who has given to other priests Masses which he received from the faithful, or which are in any way entrusted to him, is held responsible until he has been notified that the stipends were received by the priest, and that he has consented to say the Masses. C. 839.

He who transmits manual stipends to others must send away the stipends as he received them, and may not retain part of larger stipends, unless the giver expressly permits this, or it is certain that what was offered above the usual stipend was given for *special personal* reasons. C. 840.

This ruling does not, however, forbid him to retain the entire stipend or a part of it, in case the other priest makes him a donation of it. Nor is he forbidden any longer to ask the other priest to remit it. Vermeersch-Cr., II, pp. 57-58.

Any kind of negotiation or trading with Mass stipends must absolutely be avoided. C. 827. Specific penalties *latae sententiae* are not contained in the Code.

An exchange of Mass intentions without the exchange of the Mass stipends is also permissible. Prümmer and Vermeersch.

Whenever the priest *binates*, and has to apply one Mass from a title of justice, he may not receive an alms for the second Mass, except on Christmas; however, he may take some compensation on account of an extrinsic title. C. 824, section 2.

The obligation of applying Mass for the departed members of Priests' Unions is, according to the sense of the Sacred Congregation, not *ex iustitia vi quasi-contracti*, but only *ex fidelitate et caritate*, and may, therefore, be satisfied by the bination Mass. S. C. C., September 14, 1878.

If in a diocese a stipend is permitted for the second Mass with the obligation of giving up this second stipend for a good cause, the priest need only give up the stipend for the Mass, and not that which has been given over and above from some extrinsic title. The bishop cannot even demand this. S. C. C., November 10, 1917. The order of application is immaterial.

Though the Mass stipends should have been lost without the fault of the one who has the responsibility to say the Masses, the obligation does not cease. C. 829. If a person has offered a certain sum of money for holy Masses to be said, without indicating how many Masses he desires, the number must be reckoned according to the ordinary stipends customary in the place where the giver of them lived, unless circumstances are such that it can be lawfully presumed that his intention was different. C. 830.

Concerning the *time* when holy Mass is to be said, the following rules must be observed:

1. If the day was expressly prescribed by the giver of the stipend, holy Mass must absolutely be said on that day;

2. If the giver of manual stipends did not expressly specify the day, then Masses ordered for an urgent cause must be said as soon as possible, and within the time proper to obtain the purpose; in all other cases holy Mass must be said within a short time, a longer or shorter period, according to the number of Masses;

3. If the giver of the stipends expressly left the time for saying the holy Masses to the judgment of the priest, he may say them at a time that he finds

more convenient. C. 834. The time prescribed by law for their application begins on the day on which the priest received them, unless the contrary is certain from other reasons. C. 837. No one is allowed to receive more Masses than he himself can say within a year. C. 835. Masses that have not been said within a year after receiving the stipends, must be sent to the Ordinary at the end of each year, unless the donor of the stipends has allowed a longer time for satisfying the obligation. C. 841. Arregui, p. 363.

The decree *Ut debita* set as a *modicum tempus* one month during which one Mass, and six months during which 100 Masses should be said. However, the Sacred Congregation by indult repeatedly extended the time for one Mass to six months. Accordingly, to say that the deferring of one Mass beyond a month, except the intention is an *urgent* one, is a mortal sin, seems too strict, and not demanded by the law. Moreover, the priest has the right to declare, when accepting a stipend, that he needs more than a month's time to satisfy the obligation.

In churches where, on account of the special devotion of the faithful, stipends for Masses are offered in such a number that it is impossible to say all of them there within the required time, the faithful should be notified by notices posted in a conspicuous place that the holy Masses will be said either in that church as soon as possible, or in other places. C. 836. The faithful who see that many Masses are ordered at the same church, will readily understand that they cannot all be said in a short time.

Religious superiors have the right to command their subjects, even by virtue of the vow of obedience, to say Mass according to the rules of the constitutions or the intention of the superiors. S. C. de Rel. A. A. S., 1914, p. 231.

Regarding the application itself Elbel remarks: Firmiter mihi persuasum teneo, admodum raro vel omnino numquam contingere, ut Religiosus subditus defectu sufficientis intentionis non satisfaciat suae obligationi. Elbel-Bierb., III, n. 419.

N. B.—*De defectu vini* (ex Missali. de def. IV, 5). Si hoc advertat (vinum non fuisse positum sed

aquam) post sumptionem Corporis vel hujusmodi aquae, apponat aliam Hostiam iterum consecrandam et vinum cum aqua in Calice, offerat utrumque et consecret, et sumat, quamvis non sit jejunos. *Vel si Missa celebretur in loco publico, ubi plures adsint*, ad evitandum scandalum poterit apponere vinum cum aqua et facta oblatione ut supra consecrare ac statim sumere et proseguere caetera.

Locus terrae in quem s. hostia decedit, statim tegerendus est aliqua re munda et postea abluendus. Si cadat in linteolum quo manus communicantis obteguntur, locus signandus est et postea pari modo abluendus. Ita rubrica, quae tamen juxta communem sententiam non obligat sub gravi; graviter tamen obligaret ad abluendum locum, in quem deciderent sacrae species vini quippe istud imbibitur, non est tamen opus illum comburere.

Si hostia decadat in vultum, barbam, vestem communicantis, omittenda est purificatio, quia melius est vitare admirationem, turbationem aut offensionem populi, quam servare rubricam sub levi tantum obligantem. Ferreres, Th. Mor., II, n. 393, Missale de def. X, 12-15.

CHAPTER II.

Holy Communion.

1. THE TIME. Holy Communion may be distributed *every day* of the year (on Good Friday only as Viaticum), but only at hours *when Mass may be said*, unless there be good reason to distribute it at other times of the day. C. 867. Though the proper time for receiving Holy Communion is at Mass, still, for a reasonable cause it may be given outside of Mass, also by a visiting priest who has at least the presumed permission of the pastor. C. 846.

The S. Congregation, January 19, 1906, forbade the distribution of Holy Communion (*sacris vestibis indutus*) immediately before or after a *Missa solemnis, cantata* or *conventualis*. Owing to the contrary custom, caused by

the frequency of High Mass, this decree is generally not enforced by the bishops.

On Maundy Thursday Holy Communion may not be distributed in the churches in which the sacred functions are carried out *after* these functions have *been completed*; it may, however, be distributed *before* and *during* the sacred functions. In those churches in which the sacred functions are not carried out, the distribution of Holy Communion is *per se* permitted. On Holy Saturday Holy Communion may be distributed only during Mass or immediately after Mass. C. 867. However, the permission to distribute Holy Communion at the close of a retreat early in the morning of Holy Saturday still seems to hold. Noldin III, n. 129.

2. THE PLACE. Holy Communion may be given wherever holy Mass may be said, even in private oratories, unless the bishop of the diocese, for good reasons, has forbidden it in some particular case. C. 869. The priest who says Mass may not give Holy Communion during the Mass to people who are so far away from the altar that he has to go out of sight of the altar when giving Communion to them. C. 868.

When Holy Communion is given to several sick persons who are in the same house or in the same hospital, but in different rooms, the priest (deacon) shall recite only in the first room all the prayers (in the plural) that are to be said at the Communion of the Sick according to the Roman Ritual (Tit. IV, cap. 4). In the other rooms he shall say only the following: *Misereatur tui . . . Indulgentiam . . . Ecce Agnus Dei, once Domine non sum dignus . . . Accipe frater (soror) . . . vel Corpus Domini Jesu Christi*. In the last room he shall add: *Dominus vobiscum*, with its response, and the oration *Domine sancte*, and then, if a Sacred Particle is left over, bless the sick with the Sacrament. Finally, in church, he shall say the other prayers as prescribed, namely, in replacing the ciborium into the tabernacle. A. A. S. 1929, p. 43.

The S. C. R. permits, but does not prescribe the above-mentioned rite. The long-established custom of saying the prayers *once in plurali* at one specially prepared table may still be retained.

N. B.—When reciting these prayers, the priest omits the *Domine exaudi*, etc., before the *Dominus vobiscum*, and uses the short conclusion after the oration, whereas when distributing Communion outside of Mass in church he says the *Domine exaudi*, etc., and uses the longer conclusion after the oration.

The Roman Ritual (1925, Tit. IV, cap. 4) prescribes that the water used to purify the priest's fingers after giving Holy Communion to the sick be poured into the sacrarium, or, if there be no sacrarium, into the fire.

According to the latest edition of the *Rituale Rom.* (1925), the deacon, when giving Holy Communion, proceeds in the same manner as the priest. Hence, he gives the blessing with the hand after distributing Holy Communion in church, and with the ciborium when giving it to the sick in rooms or wards of the hospital.

3. The *periculum (not articulus) mortis*, which exempts from the law of fast prescribed for Holy Communion, is at hand if there is a real positive danger of death, resulting from an internal or external cause, although there may be greater probability of recovery, for instance, serious operation, difficult birth, high fever, internal hemorrhages, advanced stage of consumption, slight stroke of paralysis. Thus consumptives may receive Holy Communion daily for weeks, and even months, without fasting; likewise, soldiers at the front. In doubt regarding the *periculum mortis* Holy Communion may be given *per modum viatici*, since the Church does not wish anyone to be exposed to the danger of dying without the Viaticum. Of course, the confessor should counsel fasting if it can easily be done.

All the sick (*morbo vel senio fracti*) who have been disabled (though not necessarily always in bed) a month (taken morally, about twenty-six or twenty-seven days, Capello (1928) I, p. 379), without certain hope of speedy recovery (within three or four days, *ibid.*), may, upon the advice of the confessor, receive Holy Communion twice a week, even though they have taken medicine (also solid medicine, such as tablets, pills) or liquid food (which includes milk mixed with eggs and toast, or raw eggs alone). C. 858.

This holds good also for those who arise to go to a nearby chapel to receive Holy Communion. The privilege may be made use of, even though at other times the sick person receives Holy Communion fasting. Inability to fast is no longer required as a condition.

Persons who are otherwise well, but cannot keep the fast, or persons who are sick and wish to receive

more than twice a week without fasting, must apply to Rome for a dispensation, which is easily obtained. The following formula may be used:

Beatissime Pater:

Titius dioecesis N. quamvis non decumbat propter infirmitatem, attamen tanta stomachi debilitate laborat, ut ei moraliter impossibile sit observare jejunium ante s. Communionem prascriptum. Ideo ad Sanctitatis Vestrae pedes humiliter provolutus petit facultatem sumendi aliquid per modum potus, antequam ad s. Communionem accedat.

Et Deus. . .

Alla S. Congregazione dei Sacramenti,
Roma, Plazzo della Cancellaria.

The bishop must sign and forward this petition.

According to the opinion of several weighty moralists (Elbel, III, n. 323; Bucciaroni, 1915, III, n. 597), Holy Communion may be given without dispensation several times a year to persons who cannot keep the fast, for instance, at Easter, during a mission, Portiuncula. This Epikieia seems all the more admissible nowadays, on account of the very lenient practice of the Church in this matter. The advice of some of the theologians to give Communion shortly after midnight to those who cannot keep the fast, can at most be put in practice in the religious houses.

To break one's fast accidentally before a solemn first holy Mass or first Holy Communion also seems reason enough to disregard the law of fasting before Holy Communion.

The sick who are fed by means of a tube through an opening in the throat or stomach, are not allowed to receive Holy Communion by means of a tube. Asked for a decision in this matter, the Holy Office replied, January 28, 1886: Sicut exponitur, non expedire. In fact, holy Communion should never be given, if there is probable danger of irreverence, for instance, on account of vomiting or mental derangement.

He who is in doubt whether he has swallowed anything *per modum cibi vel potus* (not *per modum respirationis vel salivae*) after midnight, may re-

ceive Holy Communion. Enemas, as also the use of a stomach pump, even though a few drops of water or a little oil remain in the stomach, do not break sacramental fast. Similarly the inhaling of steam for medicinal purposes does not break the sacramental fast.

The rinsing of the mouth, the tasting of food or liquid with the tongue, though accidentally a few drops or particles be swallowed, the inhaling of dust, raindrops, snowflakes, blood from the lips do not break the fast. But a person who would even *per modum salivae, respirationis* intentionally swallow anything that has the nature of food or drink, for instance, snowflakes or raindrops, to quench his thirst, breaks the fast.

Communiter a communione arcent eum qui, vespere decumbens, aliquid ori contra raucedinem imposuerit, nisi certus fuerit se nihil transmisisse post mediam noctem. Si tamen in animo ipsi erat sorbere totum in statu vigiliae vel reliquum expuere, et casu somno captus est, benigna opinio quae communionem permittit admitti potest, et nobis praeferenda videtur. Fieri etiam potest ut nihil nisi fortasse minimum quidquid mixtum saliva absorptum sit. Liber tunc patebit accessus ad sacram mensam. Vermeersch-Cr. (1927), II, p. 73.

Vermeersch, III, n. 395, remarks: *Observatio rubricarum vel probata ratio liturgica agendi impediri non debet timore fracti jejunii*, because the Church dispenses tacitly from the fast in as far as necessary. Thus, for instance, if anything falls into the chalice, or if a few drops of unconsecrated wine are mixed with the sacred Blood, the priest may, in case of binating, swallow it without breaking his fast. The swallowing of the grains of salt at Baptism does not break the sacramental fast.

Sacerdoti post ablutionem licet sumere minora fragmenta ad idem sacrificium pertinentia sive sit ad altare sive jam in sacristia nondum vestibibus sacris exutus (non alterius sacrificii, nisi accesserit periculum irreverentiae). Immo ut probabile est, sacerdos ciborium quo statim indiget, purificare potest, quamvis distractus jam sumserit purificationem calicis. Vermeersch, I. c.

4. The *time* for the sacramental fast may be determined according to the local time, whether the true time or the mean time, whether the legal time or any other of the several ways of marking time. C. 33. According to recent interpretation, one may follow different ways of marking time in regard to the different laws on the same day, for instance, standard time for the saying of the divine Office, sun time for the fast. Vermeersch-Cr., I, n. 118. Again the sacramental fast may be computed according to the time of the place where one wishes to celebrate or receive, for instance, the priest taking food in Cleveland, Ohio, may be guided by Chicago time, where he intends to say Mass the next morning. Prümmer, III, n. 147.

Local time is either "true" or "mean". True (sun) time is determined by the motion of the sun and the stars. It is true noon for any place when the sun reaches its highest position. In the beginning of November the solar noon falls 16 minutes earlier than December 26, and on February 12 it is about 14 minutes later than Christmas. Since for the time reckoning in civil life such an irregular time as the true (sun) time is impossible, a "mean" time has been introduced, according to which the time from noon to noon, the mean day, is always exactly 24 hours. Legal time is either standard (regionale) or "extraordinary" (as a rule day light saving). Standard time is the time of a standard meridian. In the United States the following meridians are used as standards, designated from Greenwich (Observatory of London) in degrees of longitude: Eastern Time, the 75th degree of longitude; Central Time, the 90th degree of longitude; Mountain Time, the 105th degree of longitude; Pacific Time, the 120th degree of longitude. Daylight Saving Time (summer-time as used in some cities) is an hour earlier than Standard Time.

The computation of the true (solar) time is rather complicated and hardly of any practical application, except for one who has sufficient astronomical knowledge.

Of greater importance is the computation of the difference between the mean and the standard time, which may be ascertained in a simple manner by looking up in a geographical map the nearest standard meridian and finding out how many degrees (east or west) your locality is from said meridian. Multiply the difference of degrees by 4 to get the difference in time (1 degree equals 4 minutes; a quarter degree is equal to 1 time-minute). For instance, Minneapolis is 3 and 1 quarter degree west

of the 90th degree of longitude. Hence, multiply $3\frac{1}{4}$ by 4. Thus Minneapolis will be found to be 13 minutes west of the standard meridian. Observe the general rule: If your locality is east of the standard meridian, your local (mean) noon or midnight is ahead of the noon or midnight of your clock; if it is west of the standard meridian, your local (mean) noon or midnight is later than the noon or midnight of your clock.

5. The faithful are to be exhorted to receive their Easter Communion in their own parish. He who receives his Easter Communion in another parish, should give notice to his pastor to the effect that he has made his Easter. Vermeersch, II, n. 128, 137.

In the United States, by special concession of the Holy See, the time for receiving Easter Communion extends from the first Sunday of Lent till Trinity Sunday, unless the Ordinary restrict the time. Sabetti-Barrett (Ed. 29), p. 331. The pastor or confessor may in individual cases, and for some reasonable cause, extend the time for the reception of Easter Communion beyond the appointed time. C. 859.

6. With regard to the distribution of Holy Communion, S. C. de Disciplina Sacramentorum, in a special instruction to the Ordinaries, March 25, 1929, lays down the following ruling:

When Holy Communion is distributed to the faithful, the rubrics of the Missal, the Ritual and the Ceremonial of Bishops prescribe that a white cloth should be extended in front of the communicants. In addition, the faithful should hold a silver or gold-plated paten, without engravings, under their chin. If, however, a bishop, or a prelate using the Pontificals, distributes Communion, or if it is distributed during Solemn High Mass, a priest or a deacon should hold the paten under the chin of the communicants. The faithful should be admonished to hold the paten in such a manner that the particles which have collected on it are not lost. If Communion has been distributed during Mass, these particles should be most carefully removed from the paten into the chalice by means of the finger; if it has been distributed outside of Mass, they should be put in the ciborium. A. A. S., 1929, p. 638.

According to an answer given by the Sacred Congregation of the Sacraments to the Bishop of Rodez, October 28, 1930, the Mass server may hold the paten while Holy Communion is distributed, provided he be careful to hold it so that the fragments of the sacred particles do not fall off. Ami de Clergé, April 16, 1931.

CHAPTER III.

Reservation and Exposition of the Blessed Sacrament.

1. The Blessed Sacrament must be kept in all parish churches as well as in all churches connected with houses of exempt religious.

With the permission of the local Ordinary, it may be kept in public or semi-public oratories of charitable religious houses, as also in ecclesiastical colleges conducted by the secular clergy or religious. C. 1265, section 1.

In order that the Blessed Sacrament may be reserved in the above-mentioned churches and oratories, C. 1265 demands that there be a responsible person to guard it and that, as a rule, Mass be said there at least once a week. These two requirements are *sub gravi*. Capello I, p. 253. However, the same canon justifies the inference that a rare omission of the weekly Mass, for some just cause, is permissible.

The bishop may, because of custom, permit the Blessed Sacrament to be kept in chapels of ease. C. P. I., May, 1923. For a good reason the Ordinary may grant this permission to other churches or public oratories only *per modum actus*, that is to say, for a special occasion, not perpetually. C. 1265.

In religious houses, or pious institutes, the Blessed Sacrament may be kept only in the church or principal oratory, and in convents of nuns with solemn vows, it may not be kept inside the choir of the enclosure; all privileges to the contrary are revoked. C. 1267.

According to an authentic interpretation (A. A. S., 1918, p. 345), C. 1267 is to be understood in this sense, that the Blessed Sacrament must be kept in the church only, if the religious community have their exercises there. If, however, their exercises take place in a domestic oratory, the Blessed Sacrament may also be kept there with the permission of the Ordinary. Furthermore, if there be several distinct communities in the same house (college and convent), the Blessed Sacrament may, with the permission of the local Ordinary,* be kept in the principal

*Attenta declaratione Commissionis Pontificiae ad C. 1267 scimus s.s. Eucharistiam praeter Ecclesiam, quae utitur jure suo, cum licentia Superioris provincialis asservari posse etiam in oratorio principali tum domus ipsius religiosae tum novitiorum tum puerorum studentium. Pejksa, Jus Canonicum Religiosorum, p. 284.

oratory of each respective community where they have their exercises. For further privileges an apostolic indult is required. Vermeersch, *Periodica* IX, p. 154.

Before the tabernacle in which the Blessed Sacrament is reserved should burn all day and all night at least one lamp, fed either with olive oil or beeswax. Where olive oil is not easily obtainable the local Ordinary may, according to his prudent judgment, allow the use of other oils, which should, in so far as possible, be vegetable oils. C. 1271.

A decree of the Sacred Congregation of Rites, February 23, 1916, employs practically the same terms as C. 1271, and adds that, *as a last resort*, the local Ordinary may also allow the use of the electric light in place of other kinds of lights. A. A. S., 1916, p. 8. This decree was not a passing war measure; in fact, the war is not mentioned as one of the reasons for the difficulty of burning olive oil in the sanctuary lamp. Woywod, *The Homiletic and Pastoral Review*, October, 1930, p. 66. Since this decree has not been revoked by Canon Law nor by some subsequent decision, the local Ordinary may still grant, in extreme cases, the use of the electric light instead of olive oil in the sanctuary lamp. Capello (1928) I, p. 283.

2. Public exposition of the Blessed Sacrament, that is to say with the ostensorium, except on the feast of Corpus Christi and during its octave (at Mass and in the evening), may be held only with the permission of the bishop, which permission is required also for the churches of exempt religious. C. 1274, section 1.

By a special decree of Leo XIII, August 20, 1885, the public exposition and benediction of the Blessed Sacrament is permitted in all the parochial churches during the month of October, up to and including All Souls' Day, in connection with the public recital of the Rosary.

The Second Council of Baltimore permits, in addition to the Octave of Corpus Christi (at Mass and Vespers), the public benediction of the Blessed Sacrament in all the churches and in the chapels of the religious, in the United States, on Sundays and holydays of obligation, the feasts of the first and second class, twice a week during Lent, every day during a Mission.

In the churches and oratories that have permission to keep the Blessed Sacrament, *private* exposition, that is with the ciborium, may be held for any good reason also without permission of the Ordinary. The ciborium, then,

remains in the open tabernacle. The Blessed Sacrament is incensed and after the *Tantum Ergo* has been sung or recited the blessing with the ciborium (*velo cooperto*) may be given. The exposition of the ciborium *in throno* is contrary to the Roman rite and therefore forbidden. D. Auth., 3394.

The *private exposition* of the Blessed Sacrament is forbidden during Mass. This is clear from a decree of the S. C. R., July 27, 1927, which forbids that Mass be celebrated *coram Ssmo Sacramento velato vel pixide exposito intra vel extra tabernaculum*. Outside the Forty Hours' Devotion, the *public exposition* of the Blessed Sacrament is permitted also at the Mass on the feast of Corpus Christi and on all the days of its octave; on other days the permission of the bishop is required. C. 1271. The Mass of Reposition of the Forty Hours' Devotion is celebrated at the altar of exposition. For all other cases, decrees n. 3448 and n. 4353 prohibit Mass to be celebrated at, and Communion to be distributed from, the altar of exposition "without necessity or grave cause or a special indult". A. A. S., 1927, p. 289.

If the Blessed Sacrament is exposed for *some public cause*, the Commemoration of the Blessed Sacrament must be made in the Mass celebrated on the altar of exposition *immediately before* the exposition, and in *all* the Masses celebrated during the time of exposition, provided that the Mass or a Commemoration therein be not of the identical mystery of the Lord, nor that the Mass be on All Souls' Day or a Requiem Mass. This Commemoration must be made in all these Masses, even on the more solemn feasts of the Church universal, after the prayers prescribed by the rubrics, but before the Collect prescribed by the Ordinary unless this Collect take the place of the Oratio *ad libitum*; but if this Commemoration takes the place of the impeded Solemn Votive Mass of the Blessed Sacrament permitted by an apostolic indult, or prescribed by the Ordinary for an important object and a public cause, then this Commemoration of the Blessed Sacrament must be added under one conclusion to the principal Oration of the Mass of the day. The Commemoration of the Blessed Sacrament must be omitted during the exposition for some *private reason*. (S. R. C. 4120 ad VII) *Matters Liturgical*, p. 72.

When the Blessed Sacrament is exposed it is permitted to expose the Relics on other altars; but the kissing of the Relic and the blessing of the people with it shall be omitted so long as the Blessed Sacrament remains exposed. (S. R. C. 4059 II) *Matters Liturgical*, p. 540.

PART IV.

The Sacrament of Penance.

CHAPTER I.

A. Jurisdiction.

The following have the *ordinary* jurisdiction:

1. The *superiors of exempt religious Orders* for their subjects (professed, novices, servants, pupils, patients who habitually dwell with them), according to their constitutions. C. 514, 875.

The religious superiors should hear the confessions of their subjects only if of their own accord and free will they ask to be heard. But without grave reason superiors should not hear them habitually, and should in no way induce any of their subjects to confess to them. C. 518. The same holds for the master of novices and his companion with regard to the confessions of the novices (C. 891); not, however, for the other masters.

For the hearing of the confessions of their subjects the same superiors can, in as far as the constitutions permit, delegate other priests of the same or a different order, as also secular priests. C. 875. According to the Constitutions of Friars Minor, n. 346, the Provincials have this power of delegating.

According to the Constitutions of the Friars Minor, n. 347, he who has received the jurisdiction for hearing confessions from his Provincial, can hear, within the limits of his own province, the confessions of all the friars, also those belonging to other provinces.

Jurisdiction for the hearing of confession to be valid, must either be given in writing, or expressed in words; tacit or presumed delegation is not sufficient. C. 879.

In a number of non-exempt clerical institutes, the superiors, by privilege, have the same power as the regular superiors.

2. The *Ordinary* for all the faithful (clerics, religious, lay people,) within the limits of his diocese. C. 873.

By virtue of delegation received from the Ordinary of the diocese, every priest, secular and religious, can hear the confessions of all the faithful in the diocese, whether lay people or male religious. This also holds for those who have no domicile, called *vagi*, and those who belong to another diocese or parish, and Catholics of any Oriental Rite. Only for female religious, as a general rule, special delegation is necessary.

Catholics of the Latin Rite may go to confession to a Greek-Ruthenian priest; Greek Ruthenians may go to confession to a priest of the Latin Rite. A. A. S., 1929, p. 158.

The jurisdiction over exempt religious can, therefore, be derived from a twofold source: the Ordinary and the superior. The religious who have been delegated by the Ordinary of the diocese to hear confessions should, however, not make use of this faculty without at least the presumed permission of their superiors. Moreover, the latter cannot forbid their subjects, for the peace of conscience, to confess validly and licitly to any approved confessor of the diocese, whether secular or religious, in or outside the house. All contrary privileges of Orders are revoked.

For the rest, the regulations of the constitutions to the effect that the religious should make their confessions at stated times to certain specified confessors, retain their force. However, these regulations do not *per se* bind under sin.

For female religious only the *ordinary* (appointed for the community or individual sisters), the *extraordinary* as well as the *special* confessors appointed for every house, have general jurisdiction. C. 520, 521.

For communities of sisters that have not at least six members, no ordinary or extraordinary confessor need be appointed. S. C. de Rel., July 3, 1916.

True it is, the S. C. de Rel., January 10, 1920, in a reply to a query from the diocese of Prague, insists that confessors be appointed also for the smaller religious communities; however, neither this reply, nor a similar one addressed to the bishop of Osnabrück, has been promulgated. Certainly the Ordinary can hold himself excused if only the pastor is available and the confessors prescribed by C. 521 cannot be appointed. However, in such circumstances it certainly seems advisable that the pastor be empowered and urged to delegate visiting priests to hear the entire community. Otherwise it is doubtful whether many of such sisters as feel the need of going to another confessor, would dare to avail themselves of the

privilege accorded them by C. 522. In addition to this, it must not be forgotten that many superioresses are most unreasonable in this matter in spite of the regulations of the Church.

Vermeersch, Th. Mor., III, n. 482: The reply to the bishop of Linz still holds, at least in so far that the Ordinary can permit the sisters to go to confession in church like the rest of the faithful. And in that case no ordinary confessor need be appointed.

Hecht (Arch., 1924, p. 278): According to C. 520, etc., confessors have to be appointed for sisters' communities, provided they confess regularly in their own convents; however, if they confess regularly outside (which often happens in small communities), C. 520 does not apply, and no special confessors need be appointed. Thus also Bastien, Directoire Can., 3 ed. (1923), n. 355. Vermeersch-Cr., 2 ed. (1924), n. 591.

3. The *pastor* and all those who, according to the Code, take the place of pastors, in their respective territory. C. 873.

Therefore, in addition to the pastors and quasi-pastors, also the parochial vicars in as far as they have full parochial power, namely, the administrator of a parish united, *pleno jure*, to a religious house; the *vicar economus*, who, with the permission of the Ordinary, rules the parish during a vacancy; the representative of the pastor (*vic. substitutus*), who, with the permission of the Ordinary, takes the place of the pastor in a more than a week's absence; the vicar assistant (*vic. adjutor*), who, on account of old age, mental debility or other perpetual inability of the pastor, takes care of the affairs of the parish; not, however, assistants (*vicarii cooperatores*). With regard to the rectors of seminaries, see C. 1368.

The pastor cannot delegate to others the jurisdiction to hear confession, unless he has received special faculty from the Ordinary to subdelegate. C. 874, A. A. S., 1919, p. 477. The pastor can hear the confessions of his own subjects outside of his territory; not, however, the confessions of others, without special faculty from the Ordinary of the place where he wishes to hear confessions.

The delegated jurisdiction ceases with the lapse of the time specified. By leaving the diocese before the time of the delegated jurisdiction has expired, or if it has been given *usque ad revocationem*, the confessor does not lose the faculties, unless the Ordinary has decided otherwise. Thus, for instance, in the case of the transfer of religious, in some dioceses, the faculties do not cease.

B. Extraordinary Jurisdiction.

1. IN DANGER OF DEATH. If there is good reason to fear that death will soon take place, whether it be from some internal (sickness) or external cause (serious danger of contagion, difficult birth, dangerous operation, mobilization), all priests, though not approved for confessions, censured, irregular, apostatized, schismatical and heretical can absolve all penitents, even in the presence of an approved confessor, from all sins and censures, no matter in what manner they are reserved and how public their censure. C. 882.

A censured priest, if *requested*, may licitly absolve those who are in danger of death. C. 2261.

Absolutio complicitis, in danger of death, is always valid, licit only in case of necessity. The obligation of having recourse, should the penitent recover, is binding only in case of a censure *ab homine* or *specialissimo modo* reserved to the Holy See.

2. All priests who make an *ocean trip* can hear confessions on board during the time of the voyage and absolve the faithful who travel with them, though the boat may pass through the dioceses of other bishops or stay a while in some port, provided they have been approved by their Ordinary (bishop or major superior), or by the Ordinary of any of the ports at which the boat calls. Whenever the boat stops at some port during the trip they may hear and absolve not only the people who for any reason come on board ship, but, if the priest goes ashore for a while, also those people who request him to hear their confession, in which case he may absolve from sins reserved by the bishop of that place. C. 883. In the last mentioned case he can use the faculties only three days if the Ordinary can be easily reached. P. C. I., May 20, 1923.

3. FOR FEMALE RELIGIOUS. Every confessor approved by the Ordinary to hear the confessions of women can validly and licitly hear the confessions of female religious and novices:

a. If such a person goes (adeat) to him for peace of conscience, in which case her confession is valid and licit in any church, public or semi-public oratory

(also that of her own house). C. 522. "Adeat" means not only that the sister may go to the confessor, but also that she may call for him. A. A. S., 1928, p. 61.

The reason assigned for the validity and lawfulness of such a confession is: the peace of conscience. This holds in the case of any serious confession. Vermeersch, I, p. 215; Schaefer, p. 115.

In a special decision of November 24, 1920, the S. C. de Rel. extends the place for the confessions of sisters to "locus ad audiendas mulierum confessiones legitime destinatus". The rector of the church specifies this place. Also the sick-room or another place in case of necessity is a *jure locus destinatus*. Vermeersch, Th. Mor., III, p. 391. This is in accord with CC. 909 and 910, which prescribe that the confessions of women, except in case of grave illness or other weighty reasons, should be heard in a confessional that has an irremovable grate with small holes, in a conspicuous place, as a rule in a church or in a public or semi-public oratory. That the designated place for the confessions of sisters mentioned in C. 522, is demanded for the validity of confession, is no longer doubtful. A. A. S., 1928, p. 61.

The former clause "extra domum" has been purposely omitted in order to safeguard the liberty of cloistered nuns to go to confession to another priest for the peace of conscience. Should, however, a priest undertake, of his own accord, even with the consent of the ordinary confessor, to hear the sisters' confession, these confessions would be invalid, unless there be an *error communis*. If, on the contrary, a priest is asked by one or more sisters to hear their confessions, be it that he is accidentally in the convent or specially called, or be it that he hears confessions in church, and other sisters come to him of their own accord like the rest of the faithful, he hears their confessions validly and licitly. The number of sisters that come to him of their own accord, does not alter the case. Hecht, Pastor Bonus XXXV, p. 21. However, in the absence of the ordinary confessor, the superioress cannot invite any other priest to hear the confessions of the sisters. Again, it does not seem to be forbidden to a sister to go to confession to the same priest in church habitually. However, at all events, it is not more than proper in such a case that she ask the bishop to appoint this priest as her *confessarius specialis*, in the sense of C. 520. Schaefer, I, c., p. 115.

In nowise is a superioress allowed to forbid a sister to go to confession to another priest, or herself or through another, directly or indirectly, to inquire for the reason, or in words or actions to show dislike in any way. The sister need not report to the superioress, and in case she wishes to leave the house for the purpose of going to confession, she need have only the general permission to

leave the enclosure. However, the superioress need not call a confessor that does not belong to the class of confessors specified by C. 521. S. C. de Rel., 1921.

b. Whenever a sister is seriously ill, even though there be no danger of death, she may call any approved priest of the diocese to confess to him, even if he is not one of the particular confessors appointed by the bishop, according to C. 523, section 2. During illness sisters may confess to such a priest as often as they desire and the superior may not, either directly or indirectly, forbid it. C. 523. This Canon also applies to cloistered nuns. Hence, every confessor who is called by a sick cloistered nun may also enter the enclosure. A. A. S., 1924, p. 99.

Gravis morbus est qui valde affligit vel facile periculosus evadere potest: gravis morbi indicium esse potest si cogat per unam alteramve hebdomadam lecto decumbere quamvis gravis quoque esse potest morbus in quo quis decumbere impediatur. Vermeersch, I, p. 221.

4. The Church *supplies* jurisdiction:

a. *In errore communis*, that is, if it is generally believed (for instance in a parish) that a priest has the faculties to hear confessions, whereas, in fact, he has them not. This can easily happen when a strange religious is sent to assist in the confessional during a mission, etc. C. 209.

Vidal contends there is an *error communis* if circumstances be such that by their very nature they are apt to deceive not only the one or the other, but all without exception, even though the one or the other knows that this priest has no faculties. Wernz-Vidal, J. C. T., II, n. 381.

Whether the confessor himself knows that he has no faculties is immaterial, since in such a case Holy Church supplies the jurisdiction for the sake of the common good.

Knowingly to make use of the jurisdiction supplied on account of a common error is permitted for grave reason, for instance, if a confessor, whilst hearing confessions, adverts to the fact that his jurisdiction has expired, and a large number of penitents are waiting to go to confession to him. Noldin (III, n. 346) is still more lenient and permits any confessor who, whilst hearing confessions, remembers that his faculties have expired, to continue to hear confessions. In fact, Canon Law does not lay down any special conditions for the use of the jurisdiction supplied in a common error.

b. In dubio positivo et probabili sive juris sive facti, that is, if there is only a probable jurisdiction, be it that a well founded doubt exists with regard to the meaning of the law itself, its interpretation, or some practical case. As an example may serve the difference of opinion with regard to the Canons on the jurisdiction for female religious, the extent of censures, or the confessor believes he has good reason to hold that in the case before him the conditions presupposed for the incurring of a censure are wanting, or that his faculties have not yet expired in a diocese. A special reason is not demanded for the use of this probable jurisdiction, since the Church certainly supplies the jurisdiction, and that in favor of the penitent.

Ut minister licite in errore communi aut dubio positivo et probabili sacramentum administret, Ecclesia supplente, nihil aliud requiritur quam rationabilis petitio ex parte fidelium, qua posita, ministratio sacramenti fit licita. Hinc convenire non possumus cum iis theologis, qui causam gravem ad id postulant. Capello, De Sacramentis (1928), I, p. 29.

c. Jurisdiction granted for the internal forum is still validly exercised if through *inadvertence* the priest has not noticed that the time for the faculties has expired or that he has used up the number of cases for which he had the faculties. C. 207. In this case the absolution is valid, even though there be no *error communis*.

CHAPTER II.

Absolution of Reserved Sins.

1. The bishop can reserve cases in his diocese, the Superior-General of an exempt clerical Order for his subjects (Abbot of an independent Abbey) with his council. C. 893, 896.

A number of rules are laid down in CC. 895-899, with regard to reservations directing that reserved cases shall be only few. In consequence, many bishops have abolished all reserved cases in their dioceses. Also the General Constitutions of the Order of Friars Minor have abolished

all reserved cases in the Order. In fact, reserved cases have practically no meaning in religious institutes, since, according to C. 519, every priest who has the ordinary faculties of the diocese can absolve them. Only for such religious confessors as have jurisdiction from their superiors alone these reservations would have any meaning.

2. The following conditions are required in order that any particular case fall under the reservation:

a. An *objectively* and *subjectively* grave and *external* sin.

b. A *materially* and *formally* completed sin (at least *in confuso* recognized as such), specifically mentioned by him that reserves the sin, unless determined otherwise. C. 893.

Ignorance of the reservation or childhood does not, according to Canon Law, excuse from the reservation, because the reservation is not considered a punishment. C. 900, 893.

3. All confessors who have the ordinary faculties of the diocese can absolve from the reserved sins:

a. The sick that cannot leave the house.

b. Those about to get married.

c. Whenever the legitimate superior has refused the faculty asked in an individual case.

d. Whenever the confessor reasonably judges that the faculty to absolve cannot be asked from the proper superior without danger of violating the sacramental seal, or without great inconvenience to the penitent, for instance, if the penitent cannot stay away from holy Communion without harm to his good name, or if it is hard for him to remain in the state of mortal sin till the faculties to absolve him have been granted. C. 900.

e. If the penitent who has fallen into a case reserved to the bishop goes outside of the diocese, even for no other purpose than to get absolution. If, however, the same case should be reserved also in that other diocese, the priest cannot absolve the penitent because his jurisdiction over that sin has been taken away. Recourse is in no case necessary.

Priests of the Latin Rite cannot absolve from episcopal reserved cases enacted by the Greek-Ruthenian bishop; priests of the Greek-Ruthenian Rite cannot absolve a

Latin Catholic from episcopal reserved cases enacted by the bishop of the Latin Rite. The bishops of the different Rites are advised to exchange faculties with each other. A. A. S., 1929, p. 158.

4. During the time in which the Easter duty can be fulfilled, the pastors, and those who come under the name of pastors in the Code, have the faculty to absolve from the bishop's reserved cases, and the missionaries (and other priests assisting in the confessional) during the time of missions (retreats). C. 899. Capello, II, p. 428.

The faculty to absolve from the bishop's reserved cases should be given habitually to the deans, with power to subdelegate priests of their districts for individual cases, especially in towns and districts far away from the episcopal city. C. 899.

Also the official confessors in exempt Orders should have the faculties to absolve the cases reserved in that Order. C. 518.

5. The only *sin reserved* by Canon Law is false accusation before ecclesiastical judges of an innocent priest, charging him with the crime of solicitation in confession. C. 894. The Code, in C. 2363, punishes this sin with excommunication reserved to the Holy See *speciali modo*. Even when this *censure* is not incurred because of ignorance, the *reservation* of the sin remains. What has been said above under 3. *a.-d.*, also applies to this *reserved sin*. Of course, the duty of restoring the good name of the falsely accused priest still remains. P. C. I., November 10, 1925.

CHAPTER III.

Censures.

A. Censures in General.

1. In order that a censure be incurred there must be a delict, that is, a sin committed in the manner designated by the Penal Law. There must be (C. 2242, 2218, 2228):

a. A *mortal sin*, *objectively* and *subjectively* certain.

Everything that excuses from grievous fault, also frees from canonical penalty: such as lack of the use of reason

or of free will, great fear (*absolute vel relative gravis*), a great inconvenience when actions that are not bad in themselves are concerned (not actions done out of contempt of religion or ecclesiastical authority).

b. An *external delict*, even though it be committed in secret. Hence, heresy in thought is a sin, but does not fall under the censure.

c. An *accomplished fact: material* (unless the mere attempt be punishable, such as a challenge for a duel) and *formal* (subjective), that is, as specified by the law.

d. *Obstinacy* to the penal law (*contumacia*), that is, the transgression of the law with knowledge of the penalty inflicted. C. 2242, 2229.

Ignorance (also lack of attention, error) of the law (punishment inflicted) excuses from the penalty, even though the ignorance be vincible. *Ignorantia crassa*, that is, grievously culpable, as a general rule, does not excuse; *ignorantia affectata*, that is, directly intended ignorance, never excuses.

If the law contains expressions such as: *qui praesumpserit, ausus fuerit, scienter, studiose, temerarie, consulto egerit*, then any circumstance that mitigates the culpability of the action, be it ignorance, even *crassa*, or inadvertence, passion, fear, weakness, drunkenness, frees from the penalty. Such expressions are used by the Code when it speaks of the penalties inflicted for the direct violation of the seal of confession, the unauthorized absolution from censures, alienation of church property. According to C. 2204 minors do not incur these censures.

2. Worthy of note is also:

a. Those who have not reached the age of *puberty* do not incur a censure; those, however, who have attained the years of puberty, or seduce the *impubes* or co-operate with them in the commission of the crime, incur the censure. C. 2230.

In the Penal Law the completed fourteenth year is considered the age of puberty for both sexes. Vermeersch, III, p. 201.

b. Co-operation in a crime is subject to the same penalty for him that co-operates as for him that commits the crime itself, unless decided otherwise.

Only those co-operators incur the censure *latae sententiae* who, by *concerted physical action*, accomplish the crime, or those who *command it*, as well as those who, by

their *physical* and *moral* influence, become *necessary co-operators*, so that without their co-operation the crime would not have been committed. C. 2209, sections 1-3, 2231. In some cases the Penal Law goes farther, for instance, in the case of a duel.

Those who co-operate only in so far as to *facilitate* the misdeed, culpably neglect to hinder it and so on, shall be punished by some other just penalty. C. 2209, sections 4-7, 2231.

In order that co-operators incur the censure that which has been said under n. 1, must also be presupposed. Since *material co-operation* may be permitted for grave reasons, thereby the censure is not incurred, because no grave sin is committed.

c. *In poenis benignior est interpretatio facienda*. C. 2219. *In dubio sive juris sive facti reservatio non urget*. C. 2245. Reservation is to be interpreted strictly. C. 2246.

3. The penalty *latae sententiae ipso facto* binds the offender who is conscious of his offense, both in the external and in the internal forum until he has received absolution from his crime. However, before a declaratory sentence has been issued against the offender he is excused from the observance of the penalty whenever he cannot observe it without loss of good repute. C. 2232.

An excommunicated priest can administer the sacraments and sacramentals validly; but not licitly, unless the faithful ask him to administer them. The faithful may ask an excommunicated priest to administer the sacraments to them for any weighty reason, especially if no other priest is available. The priest may then administer the sacraments without inquiring about the reason. Once, however, the excommunication has been pronounced in the ecclesiastical court, the faithful may only in danger of death ask for sacramental absolution, and the other sacraments if no other priest is available.

The same holds with regard to a suspended priest, if the suspension is from orders or jurisdiction. The absolution is invalid only after *sent. declaratoria suspensionis* or if the superior has expressly withdrawn the jurisdiction. C. 2284. Concerning *excommunicatus vitandus*, cfr. C. 2258.

N. B.—Clerics in sacred orders who exercise an act of major orders after they have been forbidden to do so by canonical penalty, incur irregularities *ex delicto*. C. 985.

B. Absolution of Censures.

I. GENERAL RULES.

1. If, in *ignorance of the reservation*, the confessor has absolved a penitent from the censure and the sin, the absolution from the censure is valid except in the case of censures reserved to the Holy See *specialissimo modo*, and of censures imposed by a precept of a superior, or by a sentence in an ecclesiastical court. C. 2247, section 3. *Censura ab homine* is a censure imposed by the bishop for a particular case.

A fortiori the absolution is valid if the confessor really has the faculty to absolve from such censures, however, does not advert to it, as well as if the confessor does not notice that the time for his faculties has expired. C. 207.

2. Censures can be *multiplied*, be it that the same censured crime is repeated, or that several censured crimes have been committed. In asking for the absolution from the censures, the petitioner must specify all the cases. If, however, the absolution was general, even though the petition referred to one particular case only, it is valid also for those cases which were concealed in good faith, with the exception of censures reserved to the Holy See *specialissimo modo*; but it does not avail for those concealed in bad faith. C. 2249.

The above mentioned absolution takes place if the priest uses the formula of the Ritual: *Te absolvo ab omni vinculo exc., susp. et interdicti, in quantum possum et tu indiges*.

3. If there is question of a censure which forbids the reception of the sacraments, the censured person cannot be absolved from the sin until he has been absolved from the censure itself. C. 2250.

If the censure was not incurred (for instance, because of ignorance), any priest who has the ordinary faculties of the diocese can give absolution.

Absolution from a censure should not be denied whenever the offender ceases to be obstinate, has repaired the scandal given, or seriously promises to repair it. C. 2242, 2248.

Since suspension is a censure that does not prohibit the reception of the sacraments, the delinquent, if otherwise well disposed, can be absolved from the sin whilst the censure lasts.

4. If the absolution from a censure is given in the *external forum*, it holds good for both the external and the internal forum; if it was given in the internal forum the person who obtained such absolution may, if scandal is removed, conduct himself also in actions of the external forum as absolved (receive the sacraments), but, unless the absolution is proved in the external forum or lawfully presumed, the censure may be urged by the superior having jurisdiction in the external forum until absolution has been granted in the external forum, and the censured person must obey. C. 2251.

The absolution in the *external forum* is demanded practically in all cases of validly baptized converts from a Protestant sect, and oftentimes in the case of those who married before a Protestant minister or had their children educated in a Protestant religion.

The distinction: *Absol. pro foro interno* and *externo* does not refer to the kind of the delict, but only to the *legality of the absolution*. The absolution *pro foro interno* need not be recognized in *foro externo*. For instance, the pastor may refuse Holy Communion until the scandal has been removed by the absolution in *foro externo*.

5. In confession the formula from censures is sufficient, which, as prescribed in the Ritual, precedes the sacramental absolution: *Dominus noster*, etc.

Outside of confession no special formula for absolution need be used; however, it is proper to use the formula contained in the Ritual for the absolution from excommunication in the external forum. C. 2250. Instead of the Tridentine Creed, the Apostles' Creed may be used.

N. B.—According to the Code, only he is considered *excommunicatus vitandus* who lays violent hands on the Roman Pontiff or has been publicly denounced as such. C. 2258, section 2.

2. PARTICULAR RULES.

The absolution from censures is either reserved to the proper superior or not reserved.

The *censurae juris communis latae sententiae* are partly not reserved, partly reserved to the Ordinary, partly to the Holy See (*specialissimo modo*, or *speciali modo*, or *simpliciter*).

Reservations must be interpreted strictly. C. 2246. *In dubio sive juris sive facti reservatio non urget*. Only the censure is reserved, not the sin. If the absolution from the censure has taken place, or if actually the censure was not incurred, the sin is no longer reserved (except in case of *denuntiatio falsa sollicitationis*). C. 2246.

The absolution from censures partakes of the nature of the reservation:

1. Every confessor when administering the sacrament of confession can absolve the censures that are not reserved. C. 2253.

2. A censure *ab homine* is reserved to him who imposed the censure, his superior and his successor in office as well as his delegate. C. 2236.

3. Reservation of a censure in some *particular territory* has no force outside the limits of that territory, even though the person who incurred the censure goes outside the territory, precisely for the purpose of obtaining absolution. The censure *ab homine*, however, is reserved everywhere, so that the censured person cannot be absolved anywhere without due faculties. C. 2247.

4. The Ordinary can absolve the censures reserved to him by the Common Law as also delegate to others the faculty to absolve them. Furthermore, the local Ordinary can also absolve strangers within the limits of his territory from these censures. C. 199.

5. He who has received special faculties can absolve from the censures reserved to the Holy See.

In occult cases the Ordinary can absolve from the penalties *latae sententiae* of the Common Law and delegate to others the same power; he may not, however, absolve from a censure reserved to the Holy See *specialissimo* or *speciali modo*. C. 2237.

An offense is considered *public* if it has been actually divulged or circumstances are such that it will become public. Otherwise it is considered *occult*. A delict is also then considered *occult* if the deed is known, but not the guilt, for instance, the fact that a priest celebrates Mass *unlawfully*.

The bishops, as a rule, receive far-reaching faculties, at least for the *forum internum*, from the Sacred Penitentiary, which they can also delegate to others.

CHAPTER IV.

Faculties for all Confessors to Absolve
from Censures.

a. In *danger of death*. See B. n. 1. Absolution in danger of death according to C. 882 is limited to the *forum internum*. A. A. S., 1928, p. 61.

Recourse (if the penitent recover) is necessary *sub poena reincidentiae* only in case of a censure *specialissimo modo* reserved to the Holy See (to the Sacred Penitentiary) and a censure *ab homine* to him who has inflicted the censure. C. 2252.

b. In *casibus urgentioribus*, any confessor can in sacramental confession absolve from any censure, no matter in what manner it is reserved; but he must impose the obligation on the penitent to have recourse within a month to the Sacred Penitentiary, or to the bishop, or another person having faculties. C. 2254.

A case is considered urgent if there is danger of defamation or great scandal, for instance, because of the necessity of celebrating Mass or going to Holy Communion; furthermore, if it is hard for the penitent to remain in the state of mortal sin (even one or two days), "*si durum sit poenitenti*." "*Durum*" is to be taken subjectively. The confessor should even dispose the penitent, so that he desires to receive absolution immediately. Gennari in Quistioni Theol. Morali. Si poenitens non adeo cupiat absolvi quamprimum, potest confessarius hoc desiderium in eo excitare sicque dispositum absolvere. Arregui, n. 614. Hence, practically the case will always be an urgent one, if not in a very short time the faculties can be obtained.

The duty of having recourse must be imposed by the confessor in case of all the reserved censures. The object of having recourse is not to receive a supplementary jurisdiction for absolution, but to accept the *mandata*, i. e., a penance that will be imposed upon the delinquent. Recourse must be had within thirty days after the absolution. If the penitent through culpable neglect (not on account of an impossibility or forgetfulness) omits to have recourse, he falls back into the same censure and has to be treated as if he had not yet been absolved.

The recourse may be had to the Ordinary in all cases, with the exception of those reserved to the Holy See *specialissimo modo*, for which recourse must be had to the Sacred Penitentiary.

The recourse may be had either by the penitent himself (which is practically impossible for lay people), or by the

confessor, who must be careful to safeguard the seal of confession (*tecto nomine*).

Recourse is not necessary if the penitent prefers to confess again to a confessor who has the necessary faculties. Should the first confessor in the meanwhile have got the *mandata*, the penitent who goes to confession to a second confessor having the faculties, may disregard these *mandata*.

Furthermore, the duty of having recourse ceases if, in an extraordinary case, it is *morally impossible*. In that case, the confessor can absolve without imposing the duty of having recourse. However, he must impose a corresponding penance on the penitent and determine the time within which he has to perform it. If the penitent neglects to perform the penance within the prescribed time he falls back into the same censure. A case would be considered morally impossible if a secret correspondence with the competent authority were impossible, or if the penitent (a lay person) could not himself have recourse and could not return to the same confessor for the purpose of receiving the *mandata*. This might easily happen at the time of missions, retreats, pilgrimages.

The Holy Office formerly (September 9, 1898,) added the clause: "If it is hard for the penitent to go to another confessor and to repeat the confession." Practically this will always be the case, and, furthermore, Canon Law no longer stresses this condition, but simply leaves the penitent free, if he prefers to do so, "*adire confessarium facultate praeeditum*." Hence, he may disregard going to another confessor. According to *sententia communis* the penitent cannot be forced to confess a second time. Prümmer, Linz. Qu.-Schr., 1925, p. 768.

Nor need the penitent give his name to the confessor, so that he can have recourse for him to the proper authority and later on in writing transmit the *mandata* to him. This is *alienum a praxi ecclesiae*. This would be "*durissimum*" for many. Furthermore, confusion with regard to the name and address of the penitent might easily arise if name and address were given in the confessional; whereas to demand name and address outside of the confessional would be something entirely out of the ordinary.

In case of a religious confessor, there may be a grave inconvenience or even an impossibility of returning to him, since he is at the disposal of his superiors, and may be sent to various places, even at a distance, which would render it practically impossible to make an appointment with the penitent when to come back to him.

In the case of a censured priest the above considerations do not apply, since he himself can write for his own *mandata*.

N. B.—Whenever a confessor is confronted with a censure, he should first determine whether the penitent was

guilty of an *objectively* and *subjectively* grave sin, without which no censure can be incurred. Uneducated people, on account of their ignorance and inadvertence, will hardly incur a censure. Educated persons, however, generally have sufficient knowledge of the ordinary cases, such as, joining forbidden societies, attempting marriage before a Protestant minister, and hence they more easily incur said censures. In the case of a priest, ignorance with regard to the censure can hardly be considered other than *crassa*.

If it is certain that the penitent has incurred a censure, the confessor should ask himself whether according to Canon Law or special delegation (in the case of a religious confessor by virtue of privilege) he can absolve without demanding the recourse.

If the confessor finds that he cannot dispense from the recourse, he should demand that the penitent return at a later date, and in the meantime write for the faculties. He may also suggest to the penitent to go to another confessor who has the faculty of absolving from said censure and repeat his confession to him.

It is left to the judgment of the confessor to determine whether a censure has been actually incurred, or whether there is *periculum in mora*, a *casus urgentior*. If he is convinced that there is reason enough to decide that no censure has been incurred, he has at least *jurisdictio probabilis*, and in case of mistake, holy Church supplies the necessary jurisdiction according to C. 209.

The following formula may be used by the priest who writes for the *mandata*: Reverendissime et illustrissime Domine, Titius contraxit excommunicationem Ordinario (R. P. speciali-ordinario modo) reservatam ob . . . Cum casus urgeret eum absolvi a censura. Nunc recurrit per me confessorium ad recipienda mandata. Rescriptum benigne dirigatur ad me confessorium N. N. (Name and address.)

N. B.—In case there is danger of violating the seal of confession, great prudence should be used with regard to particulars.

CHAPTER V.

Excommunications.

All former ecclesiastical punishments *latae sententiae* of which the Code makes no mention, are abolished. C. 6.

The *excommunication* is a censure by virtue of which a baptized person is excluded from the communion of the faithful, with the following effects:

a. He loses the *right* of active and passive participation in the divine service, but he may be present at the sermon. The passive participation

of the *excommunicatus toleratus* may be tolerated; but the *vitandus* must be removed.

b. He is forbidden to receive the Sacraments; after a declaratory or condemnatory sentence he cannot make proper use of the sacramentals of the Church, and ecclesiastical burial must be refused.

c. He is forbidden to celebrate holy Mass and to administer the sacraments and the sacramentals. C. 2259, 1240.

The faithful may, however, ask, for any good reason, an excommunicated priest for the sacraments and sacramentals, above all when there are no other ministers, in which case the excommunicated priest who is asked to administer the sacraments may do so, and he is not obliged to inquire for the reason why he is requested. From an *excommunicatus vitandus* as well as from an excommunicated priest whose excommunication was pronounced in the ecclesiastical court by either condemnatory or declaratory sentence, the faithful may only in danger of death ask for sacramental absolution, and, also, if there are no other ministers present, for the other sacraments and sacramentals. C. 2260, 2261.

d. He is deprived of the indulgences, suffrages and public prayers of the Church; private prayers and the private application of the Mass for him, provided scandal is avoided, are permitted.

e. He is excluded from legal ecclesiastical actions; cannot acquire dignities, offices, benefices, ecclesiastical pensions, nor any other offices of the Church or exercise the rights of these offices. After condemnatory or declaratory sentence he loses jurisdiction to absolve validly or to assist at a marriage. See C. 2263-2266.

Disregard of an excommunication by the unlawful exercise of a sacred Ordo draws irregularity after it. He who obstinately perseveres for a year in an excommunication falls under the *suspicio heresis* and is to be punished accordingly. C. 2340, 2315.

I. *Excommunications reserved to the Holy See specialissimo modo* are incurred by:

1. Him who desecrates the consecrated particles, or carries them off for an evil purpose, or keeps them for that end. C. 2320.

2. Him who lays violent hands on the Roman Pontiff. Such a person becomes *ipso facto excommunicatus vitandus*. C. 2343.

3. A confessor who *presumes* to violate directly the seal of confession. C. 2369. Indirect violation of the seal of confession is punishable *ferendae sententiae*.

Violatio directa ab eo committitur, qui immediate et per se manifestat peccatum in confessione accusatum et personam poenitentis. Sufficit si ex adjunctis certo cognoscitur poenitens, nec requiritur ut audientes sciant confessarium loqui de confessione.

Indirecta proprie seu stricte dicta committitur quando sermone vel actione diversa et ad alium finem directa periculum incurritur ne manifestetur quod sigillo tegi debeat. *Latius dicta* habetur, quando propter suam accusationem poenitens patitur aliquod gravamen distinctum a suspitione peccati, sive ipse revera id gravamen sentiat sive saltem poenitentibus in genere grave foret talem scientiae sacramentalis usum licere: ut si quis sine poenitentis facultate de peccatis accusatis cum ipso loquatur.—*Improprie dicta seu analogica sigilli violatio* habetur sine usu scientiae sacramentalis, quando aliquid revelatur quod poenitenti afferat gravamen vel confessionem odiosam reddat ut si in adjunctis quibus id displicet . . . corporis vel mentis defectum reveles.

A decree of the Holy Office of June 9, 1915, enjoins upon bishops and religious superiors the obligation of proceeding against those confessors who speak publicly or privately of the things heard in confession, even though there be no danger of violating the seal of confession. Useful and necessary consultation is not prohibited by this decree. Vermeersch, II, p. 95.

4. A priest who *absolves*, or feigns to absolve, his accomplice "in peccato turpi".

a. Absolvens vel fingens absolvere complicem in peccato turpi incurrit ipso facto excommunicationem specialissimo modo Sedi Apostolicae reservatam, idque etiam in mortis articulo, si alius sacerdos licet non approbatus ad confessiones, sine gravi aliqua exortura infamia et scandalo, possit excipere morientis confessionem, excepto casu quo moribundus recuset alii confiteri.

b. Eandem excommunicationem non effugit absolvens vel fingens absolvere complicem, qui peccatum quidem complicitatis, a quo nondum est ab-

solutus, non confitetur, sed ideo ita se gerit quia ad id a complice confessario sive directe sive indirecte inductus est. C. 2367.

c. Absolutio complicitis in peccato turpi invalida est praeterquam in mortis articulo; et etiam in periculo mortis extra casum necessitatis est ex parte confessarii illicita. C. 884.

MANNER IN WHICH TO DETERMINE WHETHER THIS CENSURE HAS BEEN INCURRED.

a. *Notio complicitatis*. Imprimis videatur oportet, num certe peccatum grave (interne et externe ex utraque parte) contra sextum praeceptum (consummatum vel non consummatum, etiam tactus, aspectus, colloquia) commissum fuerit. Si igitur adfuerit ex una parte solum peccatum externe veniale ex *parvitate materiae*, e. gr. tactus leviter culpabilis, etsi ex affectu turpi interne peccatum mortale (item si unus externe saltem resistit alteri) vel externe quidem actus mortaliter peccamininosus, ex *imperfectione autem actus* (e. gr. in ebrietate) non plene imputabilis vel si de alterutro rationabiliter dubitatur (e. gr. de colloquiis multoties non constabit) non adest fundamentum censurae, cum sit strictae interpretationis.

Necesse est ut ambo in eadem actione immediate sint complices, non sufficit ut unus cooperetur quamvis proxime ad peccatum alterius (e. gr. occasionem procurando).

Si sacerdos *ante actum vere* persuaserit complici, aliquod peccatum objective grave non esse revera peccatum grave sed solum leve vel nullum, ita ut complex id crederet, deest ex parte complicitis peccatum grave et in casu absolutionis censura non incurritur. (Aliter b.)

b. *Absolutio complicitis*. Haec censura incurritur ab eo sacerdote, qui scienter (i. e., sciens esse personam complicem) *absolvit*, vel saltem *fingit* se absolvere (ita ut poenitens existimet se vere absolvi), et incurritur, etiamsi poenitens a confessario complice permotus omiserit peccatum complicitatis (necessario tamen accusandum).

Sacerdos *valide* quidem semper absolvit complicem in *periculo mortis* (prudenter existimato), *licite* solummodo (i. e., quin peccet et censuram incurrat), si tunc quoque desit alius sacerdos vel alius vocari nequeat sacerdos ne simplex quidem, vel si alius sacerdos confessionem moribundi audire recuset, vel si moribundus alteri confiteri renuat, adeo ut timenda sit confessio sacrilega, vel si alius sacerdos vocari nequeat sine periculo gravis scandali vel infamiae sacerdotis complicitis; tenetur tamen sacerdos hoc periculum quantum possit remove.

Extra periculum mortis solum ob gravissimum periculum infamiae, quod in nostris regionibus raro habetur, cum adsint tot confessarii qui adiri possunt, absolutio valide et licite dari potest a sacerdote complice.

Non incurrit excommunicationem:

aa. Qui complicem confessione audit, sed non absolvit, neque absolvere fingit.

bb. Qui complicem coram aliis confitentem, ut illius famae consulat, *hac de re praemonitum* sola benedictione dimittit, etsi alii in errorem inducantur.

cc. Qui absolvit complicem complicitatis peccatum, etiam culpabiliter, reticentem, quamvis id confessarius sciat, modo tamen ad id faciendum eum non induxerit; uterque vero graviter peccat.

dd. Qui complicem, urgente praecepto confessionis, alteri sine periculo gravis infamiae vel scandalis confiteri non valentem, indirecte tantum a peccato complicitatis absolvit eumque simul monet de obligatione alteri confessario illud postea confitendi. Noldin (De poenis, n. 55), alique AA.

ee. Qui absolvit poenitentem de quo dubitat an sit proprius complex vel a quo neque in actu peccati neque postea tamquam sacerdos cognitus est, quia non tenetur manifestare delictum suum cum diffamatione propria et status sacerdotalis vel cum pari periculo de re inquirere, sed incurrit absolvens complicem qui sacerdotem absolventem solum *hic et nunc* quando absolvit ut complicem non *recognoscit*.

ff. Qui absolvendo graviter non peccat e. gr. in mentis perplexitate vel sine advertentia ad complicitatem, valde distractus. Censuram illi tamen sacerdotes incurrerunt, qui dicunt se nescisse censuram incurram, sc. quia legem hanc ex gravi negligentia non addidicerunt, vel quia ex gravi negligentia (neglecto studio Theol. Moralis) inexacta legis cognitione potiuntur (ignorantia crassa). Ut ignorantia sit actus humanus et moralis, necesse tamen est, ut sacerdoti conscientia ignorantiae suae aliquo saltem modo menti obvenerit et nihilominus egerit.

N. B.—Persona complex, quae absolvitur, nullam censuram incurrit; confessiones repetat invalidas nec redeat ad sacerdotem complicem. De valore absolutionis in singulis casibus vide controversias AA.

ABSOLUTION OF THE CENSURE.

1. A confessor who has made himself guilty of the crime of absolving his accomplice, can, the necessary conditions presupposed, be absolved *directly*; but in every case the duty of having the prescribed recourse remains. The recourse must be had to the S. Penitentiary, since the bishop has no faculties for that case.

2. In the recourse must be mentioned:

a. How often he gave absolution to his accomplice.

b. Whether he had to apply for absolution from this Censure already before.

c. The kind of *peccatum turpe*.

d. Proofs that he cannot give up hearing confessions. Otherwise Rome will generally demand that he desist from hearing confessions.

e. Whether the occasion of sin continues; whether a long time has elapsed since he committed the crime; whether he has led a good life since.

f. Whether after committing the crime he has exercised spiritual functions (on account of the irregularity).

N. B.—*a* and *b* are necessary for the validity of the rescript; *c*, *d*, *e* serve as reasons for the mitigation of the penalties to be imposed. With regard to *f*, see the Faculties of the Regulars.

3. The address of the confessor of the guilty priest may be given to the Penitentiary. Also the penitent's own name may be given without danger of infamy, since the S. Penitentiary does not know whether he has recourse for himself, or, what is generally the case, for someone else. The rescript must be opened in the confessional by the confessor. In case the penitent wishes to confess again to the same priest, the confessor may, with the penitent's consent, open and read the rescript in advance to prepare himself for the execution of its contents, which procedure should certainly be welcome in order to prevent subsequent doubts. The clause: *statim destruendum*, is to be understood: *infra tri-duum post executionem*.

In case the penitent holds a benefice, it is advisable to add: *Petenti absque periculo infamiae, or, quia in vitae egestatem cadat impossibile est beneficium dimittere—vel officium confessarii dimittere.*

The rescript is sent sealed and bears the inscription: *Confessario ab oratore eligendo.*

If the penitent cannot return to the confessor who made the application for him, the confessor should mail it to him personally. He then presents it to any confessor he chooses, who will open it and communicate to him its contents. If the penitent cannot return to the first confessor and does not care to reveal his case to another confessor, the S. Penitentiary, if petitioned, will not insist on the execution of the *mandata* in the confessional, but will direct the rescript by mail to the penitent in *forma gratiosa*. The direction will then be given on the envelope or covering: *Rescriptum S. poenitentiariae*. The *mandata* usually impose a five to eight days' retreat for several years, renewed recourse after a specified time, the strict command never to hear the confession of his accomplice again.

FORMULA FOR THE RECOURSE.

The petition for the *mandata* may be made in any language.

Eminentissime Princeps:

Titius sac. (parochus) jam bis in vita sua absolutus a crimine absolutionis complicitis in peccato turpi, nunc interjecto spatio 15 annorum optime peractorum semel in idem crimen relapsus est absolvendo puellam, quam vehementi tentatione abreptus turpissime quidem tetigit, quam tamen absolvit.

Quo tristi eventu Titius tantopere animo decedit, ut per menses non amplius confessus sit; sed functiones sacras nihilominus peregit. Nunc vero, occasione exercitiorum spiritualium, apud me, confessarium, summo dolore confessus est. Et cum poenitenti valde durum fuisset diutius manere in peccato et postea munus pastorale reassumere deberet, eum absolvi et dispensavi. Jam per me recurrit ad S. Sedem ad accipienda mandata.

Noto dictum sacerdotem absque infamia (vel gravi incommodo ob vitae necessitatem) officium parochiale (vel confessarii) dimittere non posse. Cum poenitens ad confessarium redire nequeat et valde durum sit ei alteri confessario rem iterum aperire, humiliter supplicat, ut rescriptum concedatur in forma gratiosa, ita ut sufficiat ipso illud transmittere via postali.

Et Deus . . .

Address: Alla S. Penitenzieria Apostolica

Roma

Plazzo del S. Offizio.

II. EXCOMMUNICATIONS RESERVED TO THE HOLY SEE SPECIALI MODO ARE INCURRED BY (Ten in all. Only the first four are mentioned here for practical purposes):

1. Apostates from the Christian faith, heretics and schismatics. C. 2314.

Canon 1325, section 2, says: Post receptum baptismum si quis, nomen retinens christianum, pertinaciter aliquam ex veritatibus fide divina et catholica credendis denegat aut de ea dubitat, haereticus; si a fide christiana totaliter recedit, apostata; si denique subesse renuit Summo Pontifici aut cum membris Ecclesiae ei subjectis communicare recusat, schismaticus est.

Heresy is the conscious and obstinate holding of some doctrine at variance with a dogma of the Church, or the obstinate doubt of a dogma, whether a person

joins some sect or not. C. 1325. In order that a delict be established, the adherence to a doctrine at variance with the teaching of the Church, or an obstinate doubt, must be manifested externally by speech, writing, conclusive actions (by formal communication).

The holding of opinions rejected by the Church, but not declared heretical, is to be punished by *poenae fer. sent.* C. 2317.

Apostasy consists in the *external* and *internal* abandoning of the Christian faith, or the denial or positive doubting of the fundamental teachings of Christianity (existence of God, divinity of Christ, Supernatural Revelation). The formal going-over to rationalism or agnosticism is not required. Those who have not positively rejected Christianity are not as yet apostates, but may easily incur a censure by their speech.

In practical life, "so-called" heresy oftentimes is only an external denial of articles of faith, lacking internal assent. Oftentimes, "talking against faith" is only the denial of some pious opinion, or abusive language against priests, the Church and the laws of the Church.

"So-called" doubts are oftentimes only temptations, not conscious and positive doubting of the articles of faith; oftentimes only difficulties in understanding the doctrines of faith.

The reception of the Protestant "Last Supper" is heresy, if *internal assent* is given; otherwise, only *externa negatio fidei*.

He who in any way (*sponte et scienter*) promotes the spread of heresy, is suspected of heresy. If, in spite of canonical warning, such a person does not amend within six months, he is to be considered a heretic, subject to the penalties of heresy. C. 2315. The same holds with regard to *communicatio in Sacris*. C. 1258.

Pro foro externo the Ordinary gives the faculty to absolve. *Abjuratio fidei* has to take place in the presence of the bishop or his representative and two witnesses. After the *abjuratio* has been made, any priest having the faculties of the diocese can absolve from the sin.

2. Publishers of books written by apostates, heretics, and schismatics, who promote apostasy, heresy or schism; also those who defend such books, and others condemned by name through Apostolic

Letters; finally those who, knowing of the censure, read or keep such books without due permission. C. 2318.

The term "book" demands that there be *aliqua moles* (about 250 8vo pages, Vermeersch-Cr. (ed. 3), III, p. 266), *unitas objecti, typis impressum*. Manuscripts, whether printed or not, pamphlets, newspapers, leaflets that promote apostasy, etc., are forbidden (C. 1384, 1399), but not under censure, since the term "book" must be interpreted strictly.

Such a book must not only contain heresies (Protestant books of devotion), but must *professedly* defend them, for instance, a Protestant theological work, a rationalistic exegetical commentary. Grave matter: the reading of a few pages of really dangerous things, or the reading of as much as constitutes a book of things less dangerous. Vermeersch, *De prohibitionibus librorum*, p. 44.

Those who read or keep prohibited books are oftentimes excused from censure on account of ignorance. Many educated lay persons read and keep such books without any further thought of the prohibition of the Church.

Books that have been put on the Index only then fall under the censure if they defend heresy, etc.

By the positive law of the Church (C. 1399) are forbidden (not under censure) the following books:

1. Editions of the original text, or of ancient Catholic versions, of the Sacred Scriptures, also of the Oriental Church, published by non-Catholics; likewise, any translations in any language made or published by them.

2. Books of any writer defending heresy or schism, or tending in any way to undermine the foundations of religion.

3. Books which purposely antagonize religion and good morals.

4. Books of any non-Catholic treating professedly of religion unless it is certain that nothing is contained therein against the Catholic faith.

5. Books on the holy Scriptures or on religious subjects which have been published without the permission required by Canons 1385 and 1391; books and leaflets which bring an account of new apparitions, revelations, visions, prophecies, miracles, or introduce new devotions even though under the pretext that they are private; if these books, etc., are published against the rules of the Canons.

6. Books which attack or ridicule any of the Catholic dogmas; books which defend errors condemned by the Holy See, or which disparage divine worship, or tend to undermine ecclesiastical discipline, or which purposely insult the ecclesiastical hierarchy, or the clerical and religious states.

7. Books which teach or approve of any kind of superstition, fortune telling, sorcery, magic, communication with spirits and suchlike affairs.

8. Books which declare duels, suicides, divorce as licit; books which contend that masonic and other sects of the same kind, are not pernicious, but useful to the Church and civil authority.

9. Books which professedly treat of impure and obscene subjects, narrate or teach them.

10. Editions of liturgical books approved by the Holy See, which have been unlawfully changed in some things so that they no longer agree with the editions authorized by the Holy See.

11. Books which publish apocryphal indulgences, or those condemned or recalled by the Holy See.

12. Images of our Lord, of the Blessed Virgin, angels, saints, and other servants of God, which are not in accord with the mind and the decrees of the Church.

N. B.—Books mentioned in n. 1 of the preceding Canon, and books published against the law of C. 1391, are allowed to those who in any way engage in theological or biblical studies, provided these books are faithful and complete copies of the original, and do not in their introduction, or in their notes, attack Catholic dogma. C. 1400.

3. Those who wrongfully denounce to ecclesiastical judges either by themselves or through others, a confessor of the crime of solicitation. C. 2363. This is the only sin reserved to the Holy See.

Concerning the crime of solicitation and the duty of denunciation C. 904 says: *Ad normam constitutionum apostolicarum et nominatim constitutionis Benedicti XIV, "Sacramentum Poenitentiae," i. VI, 1741, debet poenitens sacerdotem reum delicti sollicitationis in confessione, intra mensem denunciare loci Ordinario vel Sacrae Congreg. Sti. Officii; et confessarius debet graviter onerata ejus conscientia de hoc munere poenitentem monere.*

Crimen sollicitationis tunc adest, quando confessarius ad committendum peccatum turpe graviter culpabilis inducere certe conatus est in confessione vel cum relatione ad confessionem.

The Const. Sac. Poenit. prescribes that confessors be denounced "qui aliquem poenitentem . . . vel in actu sacramentalis confessionis vel ante, vel immediate post confessionem, vel occasione confessionis in confessionali, sive in alio loco ad confessiones audiendas destinato, aut electo, cum simulatione audiendi ibidem confessionem, ad inhonesta et turpia sollicitare, vel provocare sive verbis, sive signis, sive nutibus, sive tactu, sive per scripturam

aut tunc aut postea legendam tentaverint, aut cum eis illicitos, et inhonestos sermones, vel tractatus temerario ausu habuerint."

With regard to the duty of denunciation, mark:

a. Every confessor, the one that is guilty of the solicitation excepted, is strictly obliged to impress upon his penitent the duty of denouncing the priest guilty of solicitation within a month after the penitent has been instructed with regard to this obligation to the Ordinary in whose diocese the solicitation took place. C. 1566.

b. If the confessor does not dare to decide the case or if the penitent causes difficulty, the confessor should have recourse to the Ordinary or the S. Penitentiary, concealing the name, for instructions as to how to proceed. If the penitent refuses to make the prescribed denunciation, he cannot be absolved.

c. The person that has been solicited should be urged to make the denunciation personally or in writing. If the penitent cannot be induced to do so, the confessor may explain the case to the bishop in writing, giving the address of the penitent who should be instructed to include in an extra envelope the name of the priest guilty of the crime of solicitation.

d. However, the confessor should act very circumspectly in this matter. There may be a misunderstanding on the part of the penitent, or only imprudence on the part of the confessor accused of solicitation. He should acquaint the penitent with the fact that *calumniosa denunciatio* is a sin reserved to the Holy See. In case of difficulties, the confessor should order the penitent to come back at some later date, and in the meanwhile study up the case, since the welfare of an accused priest may be at stake.

4. Those who without due permission of the Church dare to cite before the civil court a Cardinal, Papal Legate, or major official of the Roman Curia on matters arising from their office, or their own Ordinary. C. 2341.

Since this censure is incurred only in those countries in which the "Privilegium Fori" has not been abrogated by custom or Concordat (Vermeersch-Creusen, III, p. 280), it has no practical significance in the United States where the "Privilegium Fori" is not recognized.

III. EXCOMMUNICATIONS RESERVED TO THE HOLY SEE SIMPLICITER ARE INCURRED BY (Eleven in all. For practical purposes only the following are mentioned):

1. Those who join the sect of Masons, or other societies of the same nature that scheme against the Church or the lawful civil authority (anarchists, nihilists, Fenians). C. 2335.

The obligation to denounce the leaders of such societies is no longer urged by the Code. However, clerics and religious who have joined such societies must be denounced. C. 2336.

The Knights of Pythias, the Odd Fellows, and the Sons of Temperance are not forbidden under censure, but only under pain of mortal sin. If the following conditions are verified, *passive membership* may be permitted in these societies:

a. Quod adfuerit bona fides; b. quod removeatur scandalum; c. quod ex renuntiatione sequeretur grave damnum temporale; d. quod nullum sit periculum perversionis.

However, it is not for the confessor to verify said conditions; but each individual case must be referred to the Apostolic Delegate, or to the Archbishop of his Province. S. Off., June 27, 1913.

2. Those who without faculties presume to absolve from an excommunication reserved either *specialissimo modo* or *speciali modo* to the Holy See. C. 2338.

3. Those who aid or abet anyone in a crime for which he was declared *excommunicatus vitandus*. Clerics who knowingly, and of their own accord, participate with such a one *in divinis*, and who admit him to divine services. C. 2338.

4. Those who bring into civil court a bishop (not of their diocese), or a titular bishop, an abbot, a prelate *nullius*, or any of the major superiors of religious communities approved by Rome. C. 2341. See p. 57, n. 4.

5. Persons of either sex who without permission enter the enclosure of nuns of solemn vows, and those who admit them to such a place. Likewise women who enter the enclosure of religious men of solemn vows, as also superiors and others who admit them. Finally, nuns of papal enclosure who go outside of it without permission. C. 2342.

6. Those who retain unjustly church property of any kind, either by themselves or through others, or who thwart those who have a right to the income from church goods. Only after having made full restitution can they apply to the Holy See for absolution. C. 2346.

7. Those who fight a duel, or who make, or accept a challenge thereto, or who give any aid to it, in any way, as also those who purposely go to see the duel, who permit it, or do not stop it, in as far as they can. C. 2351.

8. Clerics in major orders and religious of solemn vows who attempt to contract a civil marriage, as also all persons attempting to contract it with them. C. 2388.

IV. EXCOMMUNICATIONS RESERVED TO THE ORDINARY ARE INCURRED BY:

1. Catholics who marry before a non-Catholic minister (as such) in violation of the prohibition of C. 1063. C. 2319.

The Third Plenary Council of Baltimore extends this excommunication to *all* Catholics who attempt marriage before a non-Catholic minister. No. 127. It furthermore inflicts an excommunication reserved to the Ordinary on those who, having obtained a civil divorce, attempt another marriage during the lifetime of their married partner. No. 124.

2. Catholics who contract marriage with the explicit or implicit understanding that either all or some of their children are to be brought up as non-Catholics. C. 2319.

3. Catholics who knowingly present their children to a non-Catholic minister for Baptism. C. 2319.

4. Catholic parents, or those who take the place of the parents, who knowingly have their children brought up or instructed in a non-Catholic persuasion. C. 2319.

5. Those who prepare bogus relics, or knowingly sell, distribute or expose them for public veneration. C. 2326.

6. Those who lay violent hands on a cleric or a religious. C. 2343.

7. Those who procure abortion, not excepting the mother, if abortion has actually taken place. C. 2350.

Abortus: deliberate ejection of an unviable foetus. *Non*: statim post copulam semen ejicientes; craniotomia similesque operationes (probabiliter contra alios); acceleratio partus etsi peccaminosa post septimum gestationis mensem; procuratio sterilitatis; attentatio delicti, effectu non certo secuto.

The *procuratio* must be caused directly and deliberately. If it is caused by carelessness, striking, or other indirect causes, such as operations which indirectly, though foreseen, bring about the miscarriage, the censure is not incurred.

Cooperantes physice vel moraliter according to C. 2209: Counsel, the procuring of the means, fall under the censure only if the crime would otherwise not have been committed. Those who cooperate physically or use moral pressure, fall under the censure.

8. Religious of non-exempt communities of simple perpetual vows who apostatize from religious life (reserved Ordinario proprio). Apostates of exempt orders incur excommunication reserved to the major superiors of the respective order. C. 2385.

An *apostate* from the religious life is a religious with either simple perpetual vows or solemn vows who unlawfully leaves the religious house with the intention not to return, or he who had indeed permission to go out but fails to return because he wants to withdraw from the religious obedience. The evil intention is presumed by law if the religious does not return within a month nor has notified his superior of his intention to return. C. 644.

9. Religious of simple perpetual vows, both in Orders and congregations, who contract marriage without a dispensation, and the persons thus contracting with them. C. 2388. Reserved Ordinario proprio.

V. EXCOMMUNICATIONS NOT RESERVED ARE INCURRED BY:

1. Authors and publishers who without due permission publish books of the Bible, or annotations and commentaries on the same. C. 2318.

2. Those who dare to demand, or force the Church to give ecclesiastical burial to infidels, apostates, and others excluded from ecclesiastical burial. C. 2339.

3. Those who alienate church property and knowingly fail to obtain the *beneplicium* of the Holy See, if the goods are of great value, namely, worth more than six thousand dollars. All those implicated in such transactions by giving, receiving, or consenting, fall under the censure. C. 2347.

4. The faithful who neglect to denounce within a month a priest guilty of solicitation in confession. C. 2363. Absolution can be given to such persons only after they have complied with this obligation or have, at least, made a serious promise to do so.

CHAPTER VI.

Interdicts and Suspensions.

A. Interdicts.

Interdict is a censure by which the faithful, though remaining in communion with the Church, are forbidden certain sacred functions (divine service, the administration of the sacraments and sacramentals). C. 2268 ss.

An interdict may be *personal* or *local*. The personally interdicted are not allowed to celebrate divine offices, or to assist at them, or to administer the sacraments and sacramentals. *Interdictum ab ingressu ecclesiae* means the prohibition to celebrate divine offices in a church, or to assist at them.

1. *Interdictum ab ingressu ecclesiae* Ordinario res. latae sent. is incurred by those who voluntarily

admit for funeral infidels, notorious apostates, schismatics, heretics or those under interdict *post sent. declarat. vel condemnat.* C. 2339.

Notorious Masons, suicides, those who have died in a duel or of the effects thereof, those who have ordered their bodies to be cremated, and all publicly known sinners, unless they have given signs of repentance before death, are to be refused ecclesiastical burial, but not under the penalties mentioned above. C. 1240.

2. The same penalty (*poena vindicativa*) is incurred by those who *knowingly celebrate or permit* to celebrate in interdicted places, or knowingly admit excommunicated or suspended or interdicted clerics (*post. sent. declarat. vel. condemnat.*) for the purpose of celebrating divine offices from which they have been barred. C. 2338.

B. Suspensions.

Suspension is a censure by which a cleric is deprived of the rights of his office, or benefice, or of both conjointly. C. 2278.

The *general* suspension deprives of all the rights of the office, the benefice, or sacred orders; the *partial*, of only some rights.

Suspensio a divinis forbids every act of the power of orders which one possesses, either by sacred ordination or by privilege. The reception of the sacraments is not prohibited by suspension, if the delict has been duly confessed.

The Ordinary can issue the *suspensio ex informata conscientia* without a juridical trial or canonical warning, in case he cannot without great inconvenience proceed against a subject in the ordinary course of law. C. 2186. This suspension affects only the office, not the benefice. The Ordinary need not make known his reasons, but, in case the suspended cleric has recourse to the Holy See, he must forward to the Holy See his proofs. C. 2186.

1. *Suspensio totalis* is incurred by the religious fugitive (*si sit in sacris*). This suspension is reserved *proprio Superiori majori*. C. 2386. A *fugitive* is a

religious who leaves the house without permission of the superiors, but has the intention to return. C. 644.

Some commentators hold that, if a religious stays out over twenty-four hours, he becomes a fugitive; some hold that he is to be called a fugitive only after a two or three days' illegal absence. Much depends on the constitutions of each religious body, since the common law does not determine the length of time required to make one a fugitive. The Constitutions of the Friars Minor regard a religious a fugitive, if he is illegitimately absent from the house over one natural day, whether he leaves the house without permission, or, being away with permission, absents himself for over a day longer than the appointed period. Woywod I, p. 288.

2. *Suspensio a divinis* (not reserved) is incurred *ipso facto* by a priest who dares (*praesumpserit*) to hear confessions without the necessary jurisdiction. C. 2366.

He who, in case of *error communis*, absolves without sufficient reason, sins indeed, but does not incur this suspension because he does not absolve without jurisdiction.

3. *Suspensio ab audiendis confessionibus* (not reserved) is incurred by the priest who dares (*praesumpserit*) to absolve from reserved sins (not censures). C. 2366.

CHAPTER VII.

Other Faculties of the Confessor According to Canon Law.

1. **IRREGULARITIES.** Every confessor can dispense from all irregularities incurred by secret crime, except deliberate homicide and effective procurement of abortion, in more urgent cases, in which the Ordinary cannot be asked, and there is imminent danger of great harm or of infamy, which faculty can be used only to permit the penitent licitly to exercise the orders he has already received. C. 990.

A subsequent recourse is not required if a dispensation from an irregularity has been given, even though, after

an absolution from a censure, the duty of having recourse is binding, for instance, if a priest who has absolved his accomplice and then without real necessity has celebrated Mass, is absolved and dispensed *in casu urgente*. He need have recourse only on account of the censure.

The Ordinaries may not only dispense, but also delegate the confessors to dispense their subjects from all irregularities incurred by secret crime (also for the purpose of receiving ordinations), except deliberate homicide and effective procurement of abortion, and the crimes brought before court, as well as the irregularities *ex defectu* and those impediments which according to the law bar a person from receiving ordinations. C. 984, 987. In extraordinary cases, C. 81, gives the Ordinaries power to dispense, if recourse to the Holy See is difficult and there is at the same time danger of causing great harm by the delay, and the case is one in which the Holy See usually dispenses. With regard to privileges of regular confessors, see "Privileges of Regular Confessors".

The following are irregular by crime (C. 985):

- a. Apostates from the faith, heretics, schismatics;
- b. Men who, outside the case of extreme necessity, allowed themselves to be baptized by non-Catholics;
- c. Married men, clerics in major orders, religious with solemn or simple (perpetual or temporal) vows, who attempt marriage or go through the civil formalities of marriage, and men who attempt marriage with a validly married woman, or with a sister bound by either perpetual or temporary vows;
- d. Voluntary murderers, and those who procure abortion, if effective, and all cooperators (the bearing of arms in war, no longer of itself causes irregularity);
- e. Men who mutilated themselves or others, and those who attempted suicide;
- f. Clerics practicing medicine or surgery forbidden to them, if thereby the death of a person is caused;

g. Men who usurp the exercise of an act or orders reserved to clerics in sacred orders, as also clerics in sacred orders who exercise such an act of major orders after they have been forbidden to do so by canonical penalty, either personal or local, corrective or punitive. C. 985.

In order that the just mentioned delicts be subject to irregularities they must be mortal sins (objective and subjective) committed after baptism, external acts, whether public or occult. Ignorance of the irregularity no longer frees from contracting it. C. 988.

Irregularities are multiplied by the multiplication of the different causes of irregularities, but not by the repetition of the same cause, except in the case of an irregularity caused by voluntary homicide. C. 989. A grave inconvenience on the part of him who has incurred the irregularity (infamy) as well as on the part of the faithful (necessary reception of the sacraments) makes the disregard of the irregularity permissible, as in the case of other Church laws, provided the irregularity is *occult*.

A special formula for the dispensation is not prescribed. However, the following formula is appropriate: *Dispenso tecum in irregularitate, quam (ob abusum ordinis) incurristi. In nomine Patris et Filii et Spiritus Sancti. Rit. Rom. III, 3.*

2. VINDICTIVE PENALTIES. With regard to the *vindictive penalties latae sententiae* the confessor has the same faculties as in the case of censures. *In casibus urgentioribus*, if namely the one guilty, by observing the penalties would betray himself and give scandal, every confessor can *in foro sacramentali* suspend the penalty, however, with the imposition of the duty of having recourse, just as mentioned in the case of censures. Also that which has been said with regard to the moral impossibility of having recourse holds here. C. 2290.

Canons 2314, 2320, 2328, 2341, 2343, 2356, 2357 and others specify the cases in which these penalties are incurred.

3. SUNDAY AND FEASTDAY OBSERVANCE, THE LAW OF FAST AND ABSTINENCE. In individual cases and for good reasons, the pastor may dispense individual subjects or individual families, also outside his territory, and transients in his territory, from

the obligation of keeping the holydays of obligation, and from fast and abstinence, or from both fast and abstinence combined. C. 1245.

The pastor can dispense only the individual members or families, and not the entire parish, since for every individual member there must be a good reason. However, if he knows that a greater number have a good reason for dispensation he can also by one act give the dispensation to all of them. Vermeersch-Cr., II, n. 554.

Since the pastor can dispense an entire family, a reason common to all is sufficient, even though it would not affect the one or the other member of the family, for instance, a dispensation from the law of abstinence on account of sickness in a family, so that different foods need not be prepared.

It must be remarked that the power of dispensing, and not of commutation, is given to the pastor (superior). Hence, there is no law of the Church by virtue of which he can impose any other penance instead *sub peccato*. Ibid., n. 553.

Since this faculty of the pastor is a *potestas ordinaria* it can also be subdelegated to other priests.

a. In addition to the Sundays, the following days are observed as holydays of obligation in the United States: Christmas, Circumcision, Ascension, Assumption, All Saints', and Immaculate Conception. The introduction of a feast that has been abolished is reserved to the Holy See. C. 1247.

In the observance of holydays of obligation and of fast days the Ruthenians may conform themselves to the days kept by the Latins in the place where they live. If there is a church of the Greek-Ruthenian Rite in the place, and the obligation of hearing Mass is demanded by both the Latin and their own Rite, the Greek Ruthenians must hear Mass in their own church to fulfill the precept of the Church. A. A. S., 1929, p. 158.

b. The law of abstinence forbids the eating of flesh meat and broth made of meat, but does not exclude the use of eggs, milk and the products of milk, and any seasoning of food, even that made from the fat of animals, on ordinary Fridays. C. 1250.

Seasoning (condimentum) is anything, whether fluid or solid, that is added in small quantities to the foods in order to season them, for instance, fat of any kind, butter,

lard, drippings, margarine, etc. Sabetti-Barrett (ed. 29), p. 318: *Pepsina non est prohibita diebus abstinence, nec, ut nobis videtur, gelatina. E contra bovina caro peptone praeeparata (peptonized beef), extracta carnea uti vocantur, prohibentur.* Noldin, II (14), n. 675: *Licet uti pane adipe linito.*

Fast and abstinence are prescribed on the following days: Ash Wednesday, Friday and Saturday (in the United States Wednesday instead of Saturday), in Lent, Ember Days, the Vigils of Pentecost, of the Assumption, of All Saints', and Christmas.

Fast only (without abstinence) is binding on all the other days of Lent.

For these days the custom of the country decides the quantity and quality of food that may be taken as *frustulum matutinum* and *collatio*. With regard to the *frustulum matutinum*, Sabetti-Barrett (ed. 29), p. 320, says: *Apud nos qualitas cibi determinatur, ut sit panis, et quantitas ut sit plus minusve duae tantum unciae.* With regard to the *collatio* he has the following: *Quantitas octo unciarum nemini deneganda videtur, major autem concedenda iis quibus haec non sufficeret ad vires reficiendas et gravi esset incommodo.* Ibid., p. 322.

Both precepts (fast and abstinence) *per se* are binding *sub gravi*.

Estne grave, in collatione vespertina (on fast days only) *solum legem de qualitate ciborum violare?* . . . Cum lex de qualitate ciborum hodie tam accessoria sit jejuniis, existimarim de gravi violatione non constare. Vermeersch, Periodica XI, p. 25. Cum plerique inter jentaculum et prandium adhuc aliquam refectionem sumere consueverint, haec autem diebus jejunii prohibita sit, quantitas jentaculi indulgentius determinari potest, ut fideles per decursum temporis matutini jejunium servare et suos labores peragere valeant. Noldin, II (14), p. 702.

Both meat and fish may be eaten at the same meal since the law of *promiscuitas ciborum* has been abolished. The full meal and the collation may be exchanged without any special reason; and for any weighty reason other changes are permissible.

Since the restrictions with regard to the kind of food for the *frustulum matutinum* and the evening

collation are no special law of abstinence, but are laid down only *ratione jejunii*, those who need not fast, be it that they are dispensed or excused, are not bound by these restrictions, and may eat meat as often as they wish on *dies solius jejunii*. Vermeersch-Cr., II, n. 566.

On all Sundays and holydays of obligation, except on holydays in Lent, there is neither fast nor abstinence, and if a vigil to which fast is attached falls on a Sunday, this fast need not be anticipated, but ceases altogether that year. The Lenten fast and abstinence cease at twelve o'clock noon on Holy Saturday. C. 1252.

The law of *abstinence* binds all those who have completed their seventh year. The law of *fast* binds all those who have completed their twenty-first year until the beginning of their sixtieth year. C. 1254.

Special Indult for the working classes in the United States:

Hic tandem commemoranda est concessio nuper facta "favore operariorum in Statibus Foederatis Am.", vi cuius tribuitur facultas singulis Ordinariis ad decennium permittendi usum carniū in iis circumstantiis locorum et personarum, in quibus iudicaverint veram existere difficultatem observandi legem communem abstinentiae. Ab hac vero permissione excludi debent praeter omnes sextas ferias totius anni, etiam feria quarta Cinerum, totum tempus majoris hebdomadae, et vigilia Nativitatis Domini. In iis vero diebus in quibus ab Ordinario permittitur usus carniū, haec permissio pro *obligatis* ad jejunium extendi debet tantum ad unicam commestionem. Hujusmodi concessio data censi debet non tantum individuis operariis, sed etiam eorum familiis, ita ut omnia earumdem membra de indulto participant. Sabetti-Barrett (ed. 29), p. 327.

The word "operarii" excludes (a) professional men—priests, lawyers, notaries, physicians, dentists, teachers, etc.; (b) business men, managers and superintendents. All others are included. It does not matter, therefore, whether the work is hard or easy, or whether they work at all; the only condition is that they belong to that class of people called workingmen. The family belongs to that class to which the head of the family belongs, and all the members enjoy the same privilege. All children living under the parental roof, and such relatives as make their homes with the family, also visitors who are taking their meals with such a family are classed as members of the

family. Ordinarily the father is considered the head of the family, but frequently some other member who is the bread-winner of the family. If the head of the family is a workingman all the members of that family, both when eating at home or elsewhere, may make use of this indult whether they individually are workingmen or not. If for any reason they are exempted, excused or dispensed from fasting, they are also allowed to eat meat as often as they choose. Those who are actually bound to fast may eat meat only once a day.

Perhaps the simplest rule would be to apply this word (*operarii*) to all those who are occupied in such work as is styled "servile" as regards the observance of Sundays. Eccl. Rev., 1930, p. 299.

Since in Holy Week only Good Friday and the forenoon of Holy Saturday are days of abstinence (C. 1252), the indult retains only these two days of Holy Week as days of abstinence. Eccl. Rev., 1929, p. 189. Hence, those who belong to the class called workingmen are obliged to abstain only on Fridays, Ash Wednesday, the Vigil of Christmas and the forenoon of Holy Saturday.

Note that what has been said refers to the extent of the indult granted to our local Ordinaries. However, some Ordinaries make restrictions when they grant dispensation in virtue of this indult. This is a matter left to their prudent judgment and all the faithful must be guided by their dispensation which is usually conveyed in their annual Lenten regulations.

Indult with regard to Fast and Abstinence on Civil Holidays. On October 5, 1931, the Holy See granted to all the Ordinaries of the United States *ad quinquennium* the faculties to dispense their subjects from the law of Fast and Abstinence whenever any of the civil holidays now observed occurs on a day of fast and abstinence or abstinence.

This indult empowers the Ordinaries to dispense their subjects when they are in their own diocese. However, *peregrini* may avail themselves of the dispensation granted for the place where they happen to be, although this dispensation is not granted in their own diocese. Eccl. Review, 1932, p. 89.

FASTS OF THE RELIGIOUS.

According to C. 1253, Canon Law does not affect the obligation of the religious communities with regard to their particular regulations concerning fast and abstinence. Thus, for instance, the fasts

prescribed on Fridays and from All Saints' till Christmas in the Order of Friars Minor retain their binding force. Since, however, the fasts and abstinences have always been interpreted in the Order of Friars Minor according to the general laws and customs observed in the Church, now by virtue of the Rule on Fridays and the Lent after All Saints' only fast is prescribed, not abstinence. At the principal meal, except on Fridays, meat is, therefore, permitted. The fasts prescribed by the Rule do not cease on account of a *festum fori*. S. C. de Rel., March 22, 1921. Hence, if Christmas or any other holyday falls on a Friday, the duty of abstinence ceases, not, however, the fast prescribed by the Rule. Acta. Ord. Min., 1921, p. 125. The Lent before Easter as well as the other fastdays and days of abstinence of the Church are to be interpreted according to the general laws of the Church or the particular indulgences granted for the countries in which they live. C. 620. Decl. S. Off., December 20, 1870.

Fratres min., qui iustis de causis ac de Superiorum licentia, extra claustra morantur diebus jejunii per Regulam impositi, in refectioe serotina possunt *hospitantium* mensae sese accommodare quoad ciborum qualitatem servata quidem congrua jejunii quantitate. Ad quinquennium. Die 30 Dec. 1930. Acta Min. Feb. 1931, p. 39.

4. CONFESSOR WITH REGARD TO VOWS AND OATHS.

1. VOWS. The confessor as such has no power to dispense from vows. In case of vows which are not reserved, he must get the faculty to dispense from the Ordinary of the diocese (also for peregrini) or for regulars from their superiors; in case of reserved vows, from the Holy See.

2. Vows reserved to the Holy See are:

a. The public vows (*vota nomine ecclesiae a legitimo superiore acceptata*). C. 1308.

Since by dismissal or by secularization, the religious mentioned in CC. 638, 647 are *ipso facto* freed from the obligation of their vows, the supreme superior (also Abbot) of an Order or congregation of papal law, and the local Ordinary in case of diocesan congregations indirectly dispense said religious from their vows. C. 648.

b. Two private vows:

Votum perfectae ac perpetuae castitatis.

Votum ingrediendi in religionem votorum solennium.

However, in order to be reserved to the Holy See, these two vows must be made unconditionally (absolute) and after the completion of the eighteenth year of age. C. 1309. Nor are these two vows reserved, if the person who made them wished to bind himself only under venial sin, or if otherwise there is doubt whether the vow was made from grave, unjust fear, lack of deliberation, and so on. Aertnys-Damen, I, n. 498. Only the substance of the vow is reserved; not the circumstances, for instance, to join a specified Order: O. F. M., or O. S. B.

Only then does a *votum perfectae castitatis* exist, if a person wished to bind himself under pain of mortal sin always to avoid a grave offence against chastity and never to get married.

The vow never to get married is not reserved. The vow to embrace the religious state is practically only then reserved, if a person really intended to enter an Order. The vow to enter the convent on the part of a girl generally only refers to religious congregations.

Formula of application for a dispensation from reserved vows.

Beatissime Pater:

Titia annos viginti nata vovit castitatem perfectam perpetuam (vel ingressum in ordinem regularem). At cum in gravi incontinentiae periculo versetur (vel ob ingentes carnis stimulos se posse continentem agere vitam diffidat; vel cum iudicio confessarii minime idonea sit vitae regulari capessendae) humillime supplicat pro dispensatione voti, ut inde valeat matrimonium iungere, cujus opportuna occasio sese illi offert.
Et Deus . . . Dignetur.

Address:

Alla S. Penitenzieria Apostolica, Roma Palazzo del. S. Offizio.

If the reserved vows are dissolved by the Holy See and other good works are imposed, as is generally done by the S. Penitentiary in case of *votum perfectae castitatis*, these good works are binding like the vow itself, but are not reserved. He who has the faculties to dispense from the ordinary vows, can *ex causa proportionata* also remove this obligation, unless the rescript for the dispensation determine otherwise.

3. A VOW CEASES, when the time expires which was annexed to it for the finishing of the obligation; by

substantial change of the object which was promised; by cessation of the condition on which a vow was made dependent, or by cessation of its final purpose; by irritation, dispensation, commutation. C. 1311.

4. *a. DIRECT IRRITATION.* He who has dominative power over the will of the person making the vow, can annul his or her vows validly, and for good cause also licitly, so that its obligation does in no way revive afterwards.

The religious superiors have this power for their professed subjects with regard to the vows made after their profession (C. 501). Vows made before entering a religious community are suspended as long as the person remains in the religious life (C. 1315); the father, and the mother with the consent of the father, the guardian with regard to the vows of minors, except in matters in which the law exempts minors from the paternal power (C. 89); the husband with regard to the vows of his wife made after marriage.

b. Suspension (indirect irritation). He who has power, not indeed over the will of another, but over the matter which is made the object of the promise, can suspend the obligation of the vow for such a length of time as the fulfillment of the vow would be to his prejudice, for instance, the religious superior with regard to the vows of the novices, master of the house with regard to his servants, wife with regard to her husband. C. 1312, section 2.

c. Dispensation. For a good cause the following can dispense from vows which are not reserved:

aa. The Ordinary for his subjects and also strangers;

bb. The superior (also local) of an exempt religious Order for the professed and novices, as also those who live habitually in the monastery, such as servants, pupils, guests, and the sick;

cc. Those to whom the Holy See has delegated the power for individual cases or in general;

dd. Regular confessors, the vows of seculars.

The faculties under *aa*, and *bb*, are a *potestas ordinaria* and can therefore also be delegated.

The above-mentioned superiors and those delegated cannot dispense from the vows if thereby the lawfully acquired right of a third party suffers injury. The clause "dummodo ne dispensatio laedat jus aliis quaesitum" must be taken into consideration, if "quaedam intercedat ratio contractus onerosi", for instance, in case of religious vows, etc. Vermeersch, Theol. Mor., II, n. 216.

d. Commutation. The good works promised in a non-reserved vow can be commuted into a better or equal one, by the individual himself who made the vow; but for changing it into a lesser work the power of dispensation is required, according to the rules of C. 1314.

For the commutation into an equal good every reasonable cause is sufficient. Just causes for dispensation, commutation, are great danger of transgressing the vows, difficulties, especially unforeseen scrupulosity, lack of deliberation. *Dispensatio in dubio de sufficientia causae licite petitur et potest licite et valide concedi* C. 84. Also the vow not to commit a certain sin can be dispensed in order to remove the additional obligation of the *virtus religionis*. A sufficient reason would be special weakness so that the vow would only increase the sin, for instance, *votum non se polluendi*. However, in such a case commutation into other effective means for the combating of the evil (frequent confession and Communion) would be advisable. *Melius est sine voto castitatis ab illis peccatis efficacius abstinere, quam voto peccare*. Tarani, p. 456. The S. Penitentiary as a rule dispenses from the vow of chastity in so far as to permit him that has made the vow to marry.

1. *OATH.* The person who freely takes an oath to do some work is held by the special obligation of religion to do what he has promised under oath. An oath exacted by violence or grave fear is valid, but it may be released by the ecclesiastical superior. C. 1317.

A promissory oath follows the nature and the conditions of the act to which the oath is added. C. 1318. If an oath has been added to a rescindable contract, the oath is also rescindable. An oath taken to observe the civil laws binds only in as far as the laws themselves are binding without the oath.

An oath must be strictly interpreted according to law and the intention of the person taking the oath, or, if he should act with deceit, according to

the intention of the one to whom the oath was made. C. 1321.

2. The obligation induced by a promissory oath ceases:

a. If it is released by him in whose favor the oath was taken;

b. If the object promised by oath has changed substantially, or, if on account of changed circumstances the oath becomes either sinful or altogether a matter of indifference, or finally, if it impedes a higher good;

c. If the final purpose or the condition, under which the oath was taken ceases;

d. By annulment, dispensation, commutation, according to C. 1320, C. 1319.

Those who have the power to annul, dispense, commute vows, have the same power also over promissory oaths; if, however, the dispensation from an oath turns to the prejudice of others who are not willing to remit the obligation, the Holy See alone can dispense from such oaths for the necessity or utility of the Church. C. 1320.

For the essence of an oath the intention is required to call upon God in witness of the truth. Without this intention the expression, "I swear," is no oath.

CHAPTER VIII.

Manner in Which to Assist the Penitent in Making His Confession.

a. Caveat omnino (sacerdos) ne complicit nomen exquirat,* ne curiosus aut inutilibus quaestionibus maxime circa sextum Decalogi praeceptum, quam detineat, et praesertim ne juniores de iis quae ignorant imprudenter interroget. C. 888, 2.

b. The duty of the confessor to supply the confession by questions is *secondary*, namely "si poeni-

*Grave foret id sub poena denegatae absolutionis facere, aut si accedat scandalum vel gravis diffamatio: his seclusis, peccatum erit levis curiositatis. Vermeersch, Th. M., III, n. 497.

tens deficiat". It is the duty of the penitent to examine and accuse himself according to his knowledge and ability: this is the main duty, and not the questioning on the part of the confessor, according to his own theological knowledge. Ideo obligatio interrogandi non major, sed potius minor est quam obligatio poenitentis sese examinandi et accusandi. Noldin (13), p. 447. The confessor need use only ordinary, not extraordinary care; he need not inquire about that which the penitent has *possibly* done, but only about that which he has *probably* done. He should guard against torturing the penitent with his questions, lest he run the risk of making confession odious.

c. He should ask only for the *species morales*, not for the *modi* and *circumstantiae aggravantes* without special reason. The confessor should ask for the *species theologica*, only if he has reason to suspect that the subjective malice does not correspond to the objective malice of the action.

d. The sins should be counted according to their moral unity and distinction.

If there is question of several sinful acts with regard to one and the same object, the sins are counted in the following manner:

aa. *External sins*, as many as there are actions complete in themselves. Hence, actions which are related as means to an end, as preparation or completion of the main act, need not be enumerated singly. The same holds with regard to the internal sins which precede the external acts, even if afterwards the main act is omitted, as well as those actions which are the manifestation of an outburst of the same sinful passion (durante eodem passionis impetu), for instance, the reading of the same forbidden book at different times (one sin or censure); the celebration of Mass in the state of mortal sin (one sin according to Sporer); cum vaga intentione turpiter agendi accedens ad feminam sufficienter confitetur dicendo: fornicavi, in quo actu comprehenduntur omnes praevii et subsequentes (Cornelisse, I, p. 105); all maledictions uttered during the same outburst of excitement.

bb. *Internal sins* which do not end in external sins, as often as they are interrupted and repeated. For practical purposes it is enough to mention, in case of a longer duration of a sinful habit, how many days, weeks, one has entertained them. In fact, when confession extends over

a long period, the number of sins is most easily ascertained by questions: How long (concubinage)? how often a week, a month?

cc. If one physical act is directed to several objects, a general accusation is sufficient, in case these objects were considered only as one *in confuso*: slandering of one family, impure conversations in the presence of several, desires in general. In general the confessor should not be over-anxious with regard to the *species peccati*. Many of the species enumerated by moralists are not considered by penitents as entailing a special malice, and hence they are not committed as such, especially in the case of internal sins. Hence, seldom will the penitent be able to give an exact account of his internal sins. The confessor will, therefore, do well to presume the internal species according to the external sins and include them *in cumulo*.

e. With regard to the giving and the refusing of absolution, observe C. 886: Si confessarius dubitare nequeat de poenitentis dispositionibus et hic absolutionem petat, absolutio nec deneganda nec differenda est. The deferring of the absolution as a means of bringing about amendment is, therefore, in case of right disposition, permissible only with the consent of the penitent. This sentence militates against the opinion of those who still hold with St. Alphonsus that absolution may be deferred in such a case. Generally, the immediate reception of sanctifying grace and the efficacy of the actual graces, which begin to operate immediately with the reception of absolution, is a more powerful means to preserve the penitent from relapses than the deferring of the absolution, a procedure which is usually resented by the penitent. Also in case of a doubtful disposition, it is advisable to do one's best to dispose the penitent, and then to absolve him. If absolution is refused to a doubtfully disposed penitent, there is little hope that he will return later on. Noldin (13), p. 457.

Meminerit sacerdos in audiendis confessionibus se iudicis pariter et medici personam sustinere ac divinae justitiae simul et misericordiae ministrum a Deo constitutum esse ut honori divino et animarum saluti consulat. C. 888.

f. In case of a general confession, it is usually advisable to make the penitent confess first the sins

committed since his last confession, unless he has made bad confessions. Others prefer, especially when the confessor has to draw everything out by questions, to have him begin the general confession immediately, and then to ask with regard to the most important points of the last confession: What about *this* sin since your last confession? The life of lukewarm Christians is, as a rule, pretty *uniform*. Especially in the case of nervous and confused penitents this method is commendable. Nor is it theologically objectionable. Noldin, III, p. 326.

Manifestation of Conscience

Canon Law strictly forbids the superiors to induce their subjects in any way to make a manifestation of conscience to them, outside of confession, for instance, concerning their former secret sins, particular examen, and so on.

The subjects are *not forbidden* of their own free will to manifest the state of their conscience to their superiors; yes, if the superiors are priests, it is even *commendable* to disclose to them the doubts and anxieties of one's conscience. C. 530.

Canon Law speaks of the manifestation of conscience only to the superiors, and not to the master of novices, or other masters and spiritual directors. Benedict XV declared to the General of the Jesuits, for whom the manifestation used to be obligatory, that it is still to be recommended and is an extraordinary means of perfection "dummodo ne quis cogatur". Ferreres, II, n. 660.

PART V.

Extreme Unction.**Minister.**

The pastor of the parish in which the sick person stays is the ordinary minister of the Sacrament of Extreme Unction. In case of necessity, or with the reasonably presumed permission of the pastor or local Ordinary, any other priest may administer this sacrament. C. 938.

Canon 514 rules that in all clerical religious communities the superior of the house has the right and duty to give the Last Rites to his religious subjects and the lay persons who stay permanently in his house. In convents of Sisters with solemn vows the ordinary confessor administers the Last Rites. In other lay communities of the religious the pastor is the ordinary minister, unless the bishop has appointed a chaplain with parochial rights over the religious house or institute. With regard to the Last Rites to be given to the members of a religious (clerical) community, see "Religious Superiors and their Rights".

Subject.

Extreme Unction may be given only to a Catholic who, after having attained the use of reason, is in danger of death through illness or old age. In the same illness this sacrament should not be repeated, unless the sick person rallied after the reception of the last anointing and his illness has again become critical. C. 940. Children who have not attained to the use of reason (ordinarily before the completed seventh year of age), and adults who have been insane from infancy, cannot receive Extreme Unction. C. 941.

Extreme Unction may be administered if there is a *probable danger* of death from some *internal* cause.

The peril of a soldier marching into battle, or of criminals awaiting execution, is not danger of death caused by internal disorders of the human body. On the other hand, one may be anointed before a dangerous operation,

if that operation is to remove or cure a disorder of the body, which endangers life unless relieved by a successful operation. A person who has attempted suicide and succeeds only in endangering his life by a wound or poison or other injuries to the body, may, if penitent, be anointed.

If in protracted diseases the patient recovered and felt considerably better for quite a time (about a month) and relapses again, Extreme Unction may be repeated. In doubt whether the same danger continues or a new crisis has arisen, one should decide in favor of repetition of the sacrament, since repetition in that case is more in conformity with the ancient practice of the Church. Benedict XIV. If it is certain that the patient has after the reception of this sacrament rallied from the danger, as often happens with those who have asthma or consumption, he may be anointed again after a short period of time (one week), in case a new danger sets in. If it is not certain whether the danger has ceased after the anointing, he should not be anointed again in a new danger, unless a notable time (about a month) has elapsed. Noldin, III, p. 459.

When it is doubtful whether the sick person has attained the use of reason, whether he is really in danger of death, or whether he is dead, Extreme Unction should be given conditionally. C. 941. This sacrament is not to be administered to those who obstinately and impenitently persevere in open mortal sin; if this is doubtful, they may be anointed conditionally. C. 942.

Doubt as to actual death may arise in those cases when the priest arrives shortly after the sick person has ceased to give signs of life. It is generally held that some time intervenes between the last apparent signs of life and the actual separation of the soul from the body. In cases of previous illness and gradual weakening of the vitality, it is generally believed that the space of time between apparent death and actual dissolution is very short (within half an hour). In cases of sudden collapse, in accidents, strokes of apoplexy, some moralists hold that even two hours after the last signs of life, Extreme Unction may be given conditionally.

Such persons as, while they were still conscious, asked for the sacrament at least implicitly, or as very likely would have asked for it, may be anointed absolutely though they have lost consciousness or the use of reason. C. 943.

If it is doubtful whether a neglectful person was altogether opposed to conversion, or simply delayed, Extreme Unction may be given conditionally. If the patient's

opposition to his conversion was so pronounced that there is no reason at all to believe it likely that he would have asked for the sacrament before he became unconscious, Extreme Unction may not be given even conditionally.

Form.

The anointings are to be performed with the words and in the order and manner prescribed in the ritual. In case of necessity, a single anointing of the senses (preferably on the forehead) with the prescribed shorter form suffices: *Per istam sanctam unctionem indulgeat tibi Dominus quidquid deliquisti. Amen.* However, the obligation remains to supply the individual anointings if there is time for it. These anointings should be given absolutely. Holy Office, March 9, 1917, A. A. S. IX, p. 178.

Cases of necessity: fear that the patient die before the Rite can be completed; danger of contagion; surgical operation brooking no delay; throes of parturition making it advisable to retire from the scene as soon as possible. If, however, there is time and opportunity, the priest should supply the prayers prescribed by the Ritual, first those which follow, then those which precede the anointing.

If the longer rite of unctions has been commenced and the patient seemingly dies before its completion, at least the unctions remaining should be performed conditionally. It is even quite lawful in this case to add the prayers of the Ritual. When the unction is given by a single form in cases of apparent death, the unctions should not be supplied unless the patient gives signs of life. The supplying of the unctions in cases where the brief formula has been used may and should be done as long as the identical danger of death continues. However, the lapse of a notable time (an hour in the opinion of Genicot) relieves the priest from this obligation. Kilker, *Extreme Unction*, p. 394.

PART VI.

Matrimony.

CHAPTER I.

Betrothals.

Since the promise of marriage, whether unilateral or bilateral, is null and void in either form, unless it is made in writing and signed by the parties and either the pastor, or the local Ordinary, or at least by two witnesses (C. 1017), a promise not made in the proper form does not as such oblige in conscience. Reason for the annulment of betrothals is especially the protection of the girl against seduction by the promise of marriage.

The obligation of keeping such a promise might arise from other considerations, for instance, of justice or charity, in order to repair the injury caused a girl who has been seduced by the promise of marriage, unless there be weighty reasons that would excuse from such an obligation. Noldin, II, n. 469. Furthermore, the same canon says that even though the engagement to marry is valid, neither party has a right of action to force the other to contract the marriage, but only for possible injury done by the unjust breaking of the engagement. There is no obligation to make the engagement in writing.

CHAPTER II.

Impediments According to Canon Law.

The *prohibitive (impedient) impediments* are:

1. **VOTUM SIMPLEX:** The simple vow of virginity, the vow of perfect chastity, the vow not to marry, to receive major orders, or, to embrace the religious life (status religiosus, order, or congregation). C. 1058.

2. **MIXTA RELIGIO:** Marriage between a Catholic and a heretic or schismatic. C. 1060.

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2. **MIXTA RELIGIO:** Marriage between a Catholic and a heretic or schismatic. C. 1060.

3. **COGNATIO LEGALIS:** In those countries where civil law forbids marriage on account of *legal adoption*, marriage is also by Canon Law illegal. In the United States there is no impediment of adoption. C. 1059.

A valid engagement that has not been lawfully annulled is not mentioned in Canon Law as a prohibitive impediment. However, although the law does not admit ecclesiastical action, nevertheless the natural law obliges in conscience, as long as the lawfully made engagement lasts.

The faithful should be discouraged from contracting marriage with those who have publicly given up the Catholic faith, though they have not joined a non-Catholic sect, and with those who belong to societies condemned by the Church. The pastor should assist at such marriages only with the permission of the bishop. C. 1065.

Furthermore, the pastor should not assist at the marriage of a public sinner, or a person known to be under censure, who refuses to go to confession and to be reconciled with the Church, unless there be grave reason, concerning which he should consult the Ordinary, if possible. C. 1066.

Minors should be earnestly warned not to contract marriage against reasonable objections of their parents. If they nevertheless persist against the lawful objection of their parents, the pastor should not assist at their marriage before consulting the bishop. C. 1034.

The *diriment impediments* are:

1. **AETAS:** A boy under sixteen years of age and a girl under fourteen cannot validly contract marriage. Though marriage is valid when these years are completed, the pastor should dissuade young people from marriage at an earlier age than is customary in the respective countries. C. 1067.

2. **IMPOTENTIA ANTECEDENS PERPETUA:** Antecedent and perpetual impotency either on the part of the man or the woman, whether known to the other or not, and whether absolute or relative, annuls marriage by the very law of nature. In case of doubtful impotency, both in *dubio juris* and *facti*, there is no prohibition of marriage. Sterility neither invalidates nor makes marriage illicit. C. 1068. Extirpatio uteri et ovariorum, practically speaking, is not considered impotency.

3. **VINCULUM MATRIMONII:** He who is held by a previous marriage bond, cannot validly contract another marriage. Though the first marriage be invalid or dissolved, it is not lawful for Catholics to contract another marriage before there is legal proof that the first marriage is invalid or has been dissolved. C. 1069.

If the prescribed form (before the pastor and two witnesses) has not been observed, no sentence of annulment on the part of the Ordinary is necessary, but in case of a new marriage the pastor should first consult the Ordinary. A. A. S., 1919, p. 479. In case of doubt whether the missing party is dead, the pastor, before assisting at a new marriage, must appeal the case to the Ordinary for a decision.

4. **DISPARITAS CULTUS:** The marriage between a person baptized in the Catholic Church, or received into the Church from heresy or schism, and a non-baptized person is null and void; not, however, any longer the marriage between a baptized and unbaptized non-Catholic. C. 1070.

Exempt from the canonical form of marriage are all persons born of non-Catholics, who were baptized in the Catholic Church, but were reared from their infancy in heresy, schism, infidelity, or without any religion, whenever they contract marriage with non-Catholics. C. 1099, section 2.

The phrase, "ab acatholicis nati," in C. 1099, sec. 2, includes children born of parents of whom one is a non-Catholic, even though the promises demanded by CC. 1061 and 1071 were given. If these children were from infancy reared in heresy, schism, infidelity, or without any religious training, they are considered non-Catholics and are not held to the Catholic form of marriage, when they marry non-Catholics. A. A. S., 1929, p. 573.

Nor are children of (formal) apostates, if baptized in the Catholic Church, but reared from infancy in heresy, schism or infidelity or without any religious training, bound by the canonical form of marriage, whenever they contract marriage with non-Catholics. A. A. S., 1930, p. 195.

"Such persons are not bound by the Catholic form of marriage because a special ecclesiastical law exempts them. Since no such special exemption is granted to them as regards the impediment of disparity of worship one must conclude that they would contract the impediment should they attempt marriage with some infidel." Petrovits, *The New Church Law on Marriage*, p. 166.

5. **ORDINES MAJORES:** Clerics in major orders cannot validly marry. C. 1072.

6. **VOTA SOLEMNIA:** Religious who have taken solemn vows, or whose simple vows have by the special law of the Holy See the power to annul marriage, cannot contract a valid marriage. C. 1073.

7. **RAPTUS:** Between the man guilty of rape and the woman whom he abducts for the purpose of marriage there can be no marriage as long as the woman is in the power of the man committing the rape. C. 1074.

8. **CRIMEN:** The impediment of crime invalidates marriage with the accomplice if a married person commits adultery and enters into a mutual promise of marriage with the partner in adultery, or if they attempt any, even civil, marriage; if a married person commits such adultery and one of the adulterers kills the husband, or wife, of the adulterer; if a married person, without committing adultery, brings about the death of his, or her, partner in marriage by physical or moral co-operation of the accomplice. C. 1075. Ignorance of the impediment does not excuse.

9. **CONSANGUINITAS:** In the direct line of consanguinity marriage is invalid between persons of all degrees, for the legitimate descendants as well as the natural; in the collateral or branch lines marriage is invalid to the third degree inclusively, in such a manner, however, that the impediment is multiplied only as often as the common progenitors are multiplied: marriage shall never be allowed if there is any doubt as to whether the parties are of blood relation in any degree of the direct line, or in the first degree of the collateral line. C. 1076.

10. **AFFINITAS:** Affinity invalidates marriage in any degree of the direct line, and in the collateral line to the second degree inclusively; affinity is multiplied as often as the impediment of consanguinity from which the affinity proceeds is multiplied; by repeated successive marriage with a blood relation of the deceased partner in marriage. C. 1077.

11. **PUBLICA HONESTAS:** Public decency arises from invalid marriage, whether consummated or otherwise, and from public and notorious concubinage. Marriage is invalidated in the first and second degree of the direct line between the man and the blood relations of the woman, or vice versa. C. 1078.

In virtue of Canon 1078, does the impediment of public decency arise from a merely civil marriage, independently of cohabitation, in the case of those who are bound by the Catholic form of marriage? Answer: No. A. A. S., 1929, p. 170.

12. **COGNATIO SPIRITUALIS:** Spiritual relationship invalidates marriage only between those who contracted spiritual affinity by baptism, namely between the person baptized on the one hand, and the minister and the sponsors on the other. C. 1079. This impediment is also contracted in private baptism; in conditional baptism only if at both baptisms the same person has been sponsor. C. 763.

13. **ADOPTIO LEGALIS:** Those who by the civil law are declared incapable to marry on account of legal adoption, cannot equally under Canon Law contract marriage validly. The Church, therefore, in this particular impediment adopts the civil law and makes it her own. To know whether there is a diriment impediment of relationship by adoption, and how far it extends, must be learned from the statute law of individual states. C. 1080.

In addition to these impediments, an essential error, grave fear, conditions changing the essence of marriage, invalidate the consent of marriage. However, technically, these defects are not impediments of marriage. C. 1082-1092.

The following impediments of the old law are abolished: *disparitas cultus* between baptized and unbaptized non-Catholics; consanguinity of the fourth degree lin. coll.; multiplied consanguinity on account of multiplied descent from the same progenitor; illegitimate affinity (*antecedens* and *subsequens*); legitimate affinity of the third and fourth degree lin. coll.; *publica honestas ex sponsalibus et matrimonio rato, non consummato*; spiritual affinity (as impediment) *ratione confirmationis*; spiritual affinity between the minister and sponsors of Baptism on the one side and the parents of the subject of Baptism on the other. The following impediments have been modified: age, affinity, public decency, spiritual and legal consanguinity.

CHAPTER III.

Requisites Before Marriage.

A. Proclamation of the Banns.

The proclamation of the banns is to be made in church by the proper pastor on three successive Sundays or holydays of obligation, during the Mass or at other services that are largely attended. C. 1023, 1, 1024.

By "proper" pastor is meant the pastor of the domicile or quasi-domicile. Minors have the domicile of the father or guardian. In addition to this, they can also have a quasi-domicile.

If a person has lived in some other place for six months after the age of puberty, the pastor should refer the matter to the bishop, who may either have the banns announced in that place, or otherwise order that investigations be made concerning the free state of the party. C. 1023, sec. 2.

The Ordinary may also substitute in his diocese another form of publishing the banns, by posting the names of the parties at the church doors and leaving them there for at least eight days, during which there must be two Sundays or holydays of obligation. C. 1025.

As a rule the pastor should not assist at a marriage till three days after the publication of the banns. For any good reason he may dispense with this rule. If the marriage was delayed for six months after the announcement of the banns, they must be repeated, unless the Ordinary decides otherwise. C. 1030.

In case of a public impediment the pastor should not announce the banns until the impediment has been removed. If the impediment is detected after the first or second publication of the banns, the pastor should finish the publication and in the meanwhile refer the matter to the bishop. C. 1031.

Publication of the banns should be omitted for marriages to be contracted with dispensation from either disparity of cult or mixed religion, unless the Ordinary judges that it should be permitted. C. 1026.

If one of the parties is received into the Church a day or so before the marriage, the approved practice is to secure from the Ordinary a dispensation from the banns.

B. The Confessor and Marriage Impediments.

I. ORDINARY DISPENSATIONS.

1. If a *public impediment* is detected in the confessional, ordinarily the confessor must, under pain of refusal of absolution, oblige the penitent to report to his pastor. Assistance at marriage must be refused before the dispensation has been asked for and granted.

In case of indispensable impediments the contracting of marriage must naturally be prevented.

Occult impediments the confessor ordinarily takes care of *in foro interno*.

An impediment is considered *public* in law when it can be proved in the external forum; otherwise it is *occult*. C. 1037.

So far as the confessor is concerned only the following three impediments can be considered *occult*: the prohibitive impediment of a vow, the diriment impediment of crime (the second case excepted), illegitimate consanguinity.

2. The pastor hands in the petition for dispensation *in foro externo*. If both parties that wish to marry fall under the impediment and are of different parishes, ordinarily the pastor of the girl hands in the petition, also if they belong to different dioceses. If only the one party falls under the impediment the pastor of this party ordinarily hands in the petition; in case of mixed marriages, the pastor of the Catholic party ordinarily hands in the petition.

The petition for a dispensation *pro foro externo* is sent by the pastor to the Ordinary who either himself dispenses or forwards the petition to Rome. *Supplex libellus missus sine Episcopi testimonio vel alia conditione requisita dilaceratur sine responso*. Arregui, p. 495.

The petition for a dispensation *pro foro interno* is directed either to the Ordinary or to the S. Penitentiary. It may be necessary to refer the petition *pro foro interno* to the S. Penitentiary if there is danger that the seal of confession be violated, unless the penitent consents to have the petition directed

to the Ordinary in spite of the danger of being exposed. If a public and an occult impediment concur in the same case, a double petition may become necessary, the one to be sent to the Ordinary, the other to the S. Penitentiary. In the petition for the occult impediment, mention must be made in that case of the public impediment for which the dispensation has been granted or at least asked for.

Petitions by telegram are ignored in Rome. The Chancery Office accepts petitions by telegram only as an exception.

3. Petitions for dispensation for public impediments should contain:

a. BAPTISMAL NAME AND SURNAME, (age,) parish (diocese) of the domicile or quasi-domicile, place of birth of the petitioner (station in life: whether single or widowed; religious persuasion).

b. EXACT DESCRIPTION OF THE IMPEDIMENT: Kind of impediment, degree, number; particular circumstances, *ob matrimonium contrahendum* vel *contractum*, whether it was contracted *bona fide* (at least by the one party,) after the proclamation of the banns.

In case of *mixta religio* or *disparitas cultus*, mention must be made whether the necessary guarantees have been given and whether they are deemed trustworthy.

c. REASON FOR DISPENSATION: CANONICAL REASONS:—*Angustia loci* (absolute non excedens circa 1,500 incolas, relative, *e. g.*, *ob valde propagatam in loco familiam oratricis*)—*aetas virginis superadulta* (ultra 24 aetatis annum)—*insufficiencia dotis*—*lites de dote jam incoeptae vel instantes*—*oratricis necessitas, e. g.*, *si vidua, junior, pauper, filii onerata sit*—*bonum pacis inter familias, suspecta familiaritas vel cohabitatio sub eodem tecto*—*legitimatio prolis*—*revalidatio matrimonii bona fide et publice initi*—*periculum matrimonii civilis, mixti vel coram ministro acatholico ineundi*—*periculum incestuosi con-*

cubinatus — *remotio scandali gravis* — *excellencia meritorum et morum probitas*.

NON-CANONICAL REASONS: In muliere: quod sit illegitima, orphana, deflorata, infirma, deformis vel plus minus defectuosa; *in viro*: quod sit infirmus, adjutorio egens, viduus cum prole tenerae aetatis; *in utroque*; *propositum contrahendi divulgatum vel convenientia matrimonii, bonum parentum alterutrius vel utriusque, mutuuum auxilium oratorum in provectiore aetate constitutorum*.

d. With regard to the *taxa*, it is sufficient to mention, when sending in the petition, what the petitioners can and are willing to pay. The *taxa* itself is fixed by the Ordinary or the Congregation.

4. Petitions for *occult impediments* should contain: Fictitious names of the petitioners (Titius, Caja). Mention must be made whether dispensation for a marriage to be contracted or for validation of a marriage is desired. Exact description of the impediments should be given. Reason for dispensation: the fact that the impediment is occult is ordinarily sufficient. The exact address of him to whom the dispensation is to be sent must be given. Rescripts from the S. Penitentiary are sent *gratis*.

REMARKS:

a. By a dispensation from an impediment, granted either by ordinary power or by delegation in the form of a general indult, legitimation of the offspring, if the offspring is already born or conceived, is *ipso facto* granted, with the exception of adulterous or sacrilegious offspring. If dispensation is granted by rescript in particular cases, the legitimation is not given *ipso facto*, but must be specially asked for and obtained. One and the same rescript may, however, contain both the dispensation and the legitimation of the offspring. C. 1051.

Children born of unmarried persons who at the time of conception, or during pregnancy, or at the

time of birth, were free to contract a valid marriage, are rendered legitimate by a subsequent valid marriage and also by an invalid marriage contracted in good faith. It is immaterial whether the marriage is newly contracted, or a former invalid marriage is validated, and the legitimation of children already born takes place even if the marriage is not consummated by conjugal intercourse. C. 1116.

In virtue of Canon 1116, is the offspring born of parents bound by the impediment of age or disparity of cult, validated by a subsequent marriage, if the impediment ceases at the time when the marriage is contracted? Answer: No. A. A. S., 1931, p. 25.

b. The dispensation from the impediment of consanguinity and affinity given for some degree is valid, though in the petition or in the concession there is an error concerning the degree, provided the degree that actually exists is inferior, or the impediment which was concealed is of the same species and of an equal or inferior degree. C. 1052.

c. The dispensation from an impediment of *lesser degree* (consang. in 3 gr. lin. coll., affinitas 2 gr. lin. coll., publ. honestas in 2 gr., cognatio spiritualis, crimen ex adult. cum promiss. vel attentatione,) is not invalidated by positive lies or by concealing the truth, even though the only motive reason advanced in the petition be false. C. 1054. In case of other impediments the rescript is invalid, if *causa finalis falsa eaque unica proponatur* (C. 45); hence if not at least one of the decisive reasons advanced in the rescript rest on truth.

d. Rescripts are no longer considered invalid on account of an error in the name of the person to whom, by whom, the favor is granted, or a mistake concerning the identity of the person and the object of the favor, so long as, according to the prudent judgment of the bishop, there is no doubt concerning the identity of the person and the object of the favor. C. 47.

CHAPTER IV.

Validation of An Invalid Marriage.

1. SIMPLE VALIDATION BY RENEWAL OF CONSENT.

a. A marriage which is null and void because the prescribed form was not observed, must be validated by contracting in the form required by law. C. 1137.

b. If a marriage is invalid on account of a *diriment impediment*, a necessary condition is that the impediment cease by itself or be removed by dispensation and that the consent be renewed at least by the party who knew of the impediment.

aa. In case of *public impediments*, the consent must be renewed in the form required by law, that is, in the presence of the pastor (or a delegated priest) and two witnesses.

bb. In case of *occult impediments*, but known to *both parties*, the private and secret renewal of the consent is sufficient, provided the form prescribed by the law was observed at the time the marriage was contracted.

cc. In case of *occult impediments, known only to one of the parties*, the impediment having been removed, it is sufficient if the party to whom the impediment was known renew his consent privately, provided the consent of the other party still exists. Though marriage was contracted invalidly on account of some diriment impediment, the given consent is supposed to persevere until there is certainty about its revocation (for instance, by separation). C. 1093. That which has been said above also applies to a validation of a marriage that was invalid on account of lack of consent (error, great fear, condition). For the renewal of consent a special new act of the will is required, which, however, may be effected also by deed (continuation of the conjugal life).

2. VALIDATION WITHOUT THE RENEWAL OF CONSENT, *SANATIO IN RADICE*, can be obtained from

the Holy See, in case of a dispensable diriment impediment, provided that the consent still exists. Marriage contracted under an impediment of the natural or the divine law is not validated by the Church by means of the *sanatio in radice*, though the impediment should have ceased afterwards, not even from the moment of the cessation of the impediment. C. 1138, 1139.

CAUTION: 1. The pastor should proceed with great prudence lest he prematurely disturb the good faith of those living in an invalid marriage. He should cautiously ascertain why the marriage is invalid, whether the invalidity is publicly known or not; whether both parties are in good faith or only the one; whether they live in harmony so that they may be safely acquainted with the invalidity of their marriage; whether their marriage has been contracted according to the civil law and whether it can be dissolved according to the civil law; whether there are children or not.

2. Ordinarily, validation of the marriage should be procured. If this is impossible, or the couple are living in great discord, or are already divorced, a declaration of the invalidity of the marriage should be obtained from the Ordinary.

3. If the validation is possible, ordinarily it is advisable first to get the necessary dispensation and to make other necessary preparations, and then to acquaint the parties living in an invalid marriage with the fact that their marriage is invalid. If they already know that their marriage is invalid, they are not allowed to use their marriage before it has been validated. Prudence may, however, at times make it advisable to be silent about this matter.

4. In case of an indispensable impediment (impotentia), if the invalidity is known neither publicly nor to the couple and if there is doubt whether it would do any good to acquaint them with the invalidity of their marriage, it is advisable to leave them in good faith. If the impediment is known to the couple, only in exceptional cases,

in advanced years, and if no scandal is feared, may they be permitted to live together as brother and sister.

5. A marriage invalidly contracted before May 19, 1918, on account of some diriment impediment which has been abrogated by the new law, is not now *ipso jure* validated, but the consent must be renewed in the manner described above. A. A. S., 1918, p. 346. Dispensation, however, is no longer necessary, since the impediment invalidating the marriage and for which the dispensation was necessary, no longer exists. Vermeersch, Periodica IX, p. 154.

6. If one of the couple cannot be induced to renew the required consent, the *sanatio in radice* should be applied for. The *sanatio in radice* can be obtained in case of every invalid matrimony, also that contracted clandestinely, provided there is not, nor has been, an impediment of the natural or divine law and the consent still continues. C. 1138-1141.

CHAPTER V.

Faculties To Dispense From Impediments.

A. Faculties of the Bishops.

I. According to *Canon Law*, the bishops have the faculties to dispense from:

a. The dispensable impediments in *dubio facti*. In case of *dubium juris* no dispensation is necessary. C. 15. Dispensation can, however, never be given if there is any doubt as to whether the parties are of blood relation in any degree of the direct line, or in the first degree of the collateral line (consanguinitas illegitima). C. 1076.

b. The publication of the banns, one, two, or all three.

For a legitimate cause, the proper local Ordinary can dispense from the banns, not only in his own diocese, but also in another diocese (where the parties may have

lived for six months or longer after the age of puberty). If the parties have several proper Ordinaries that one has the right to dispense in whose diocese the marriage is to be contracted. If the marriage is to be contracted outside any of the proper dioceses, any proper Ordinary can give the dispensation. C. 1028.

In case of urgent need, if an invalid marriage is to be validated, as also in danger of death, the obligation of announcing the banns ceases.

c. The prohibition of the *benedictio sollemnis* during the closed times; the prohibition of celebrating mixed marriages in the parish church, but without Mass; the prohibitive impediment of the private (not reserved) vow. C. 1108, 1109, 1102, 1313.

d. In urgent danger of death the Ordinaries can, for the sake of conscience and for the purpose of legitimizing the offspring, dispense from the form of the contract as well as from any and all impediments of the ecclesiastical law, public and occult as well as multiple, with the exception of the impediments arising from the sacred priesthood and from the affinity in the direct line arising from consummated marriage. This dispensation they can apply to their subjects wherever these are at the time, and to all who actually are in the territory of their diocese; scandal must, of course, be removed, and in case the dispensation is granted for disparity of cult, or mixed religion, the prescribed promises must be made. C. 1043.

e. In cases of emergencies. C. 1045.

aa. Before marriage is contracted. If everything has been prepared for the marriage and the ceremony cannot be postponed without probable danger of a great evil until recourse has been had to the Holy See, the Ordinaries have the same faculties to dispense as in cases of urgent danger of death.

bb. After the marriage has been contracted, in which case the Ordinary can also dispense for the validation of an already contracted marriage, if there is the same danger as mentioned above and there is no time of having recourse to the Holy See,

II. According to *delegated power*, the bishops of the United States have the following faculties:

1. From the *Sacred Congregation of the Holy Office*:

a. To dispense for just and grave reasons their subjects, even while they are outside the territory of their dioceses, and non-subjects while they are in their dioceses, from the impediment of *mixed religion*, and, if necessary also from *disparity of cult ad cautelam*, when the non-Catholic cannot before the marriage be induced to embrace the true faith or the Catholic party cannot be dissuaded from the marriage.

b. To dispense for just and grave reasons their subjects even while they are outside of their territory, and non-subjects while they are within their territory, from the impediment of *disparity of cult* (except in the case of a marriage with a Jew or a Mohammedan), if it can be done without irreverence to the Creator, and the unbaptized party cannot be induced to embrace the true faith or the Catholic party cannot be dissuaded from the marriage.

c. To validate by the *sanatio in radice*, when marriage has been attempted before a civil magistrate or a non-Catholic minister by their subjects (even if they thus married outside their dioceses), or by non-subjects if they attempted marriage in their dioceses, with the impediment of mixed religion or disparity of cult, provided: (a) that the consent of both parties perseveres and cannot be renewed in the legal form; (b) that there is no diriment impediment in the case from which the Ordinary cannot grant a dispensation or a *sanatio in radice*; (c) that the non-Catholic party does not oppose the Catholic baptism or Catholic education of the offspring, born or to be born; (d) that the parties did not, before attempting marriage, enter an agreement, private or public, to give a non-Catholic education to their offspring.

The present faculties shall be valid only until the time when the Ordinary has to make his report to the Holy

See on the state of his diocese, at which time he shall report to the Sacred Congregation of the Holy Office the number of dispensations or sanations granted in virtue of these faculties.

2. From the *Sacred Congregation of the Sacraments*.

a. To dispense for a just and reasonable cause from the impediments of lesser degree enumerated in C. 1042, and the prohibitive impediments enumerated in C. 1058, to this extent only that the parties may contract marriage.

b. For grave and urgent cause, whenever there is danger in delay and marriage cannot be deferred until a dispensation from the Holy See can be obtained, to dispense from the impediments of major degree as follows:

aa. Consanguinity in the second or third degree mixed with the first, provided scandal or sensation does not arise therefrom;

bb. Consanguinity in the second degree of the collateral line;

cc. Affinity in the first degree of the collateral line, either simple or mixed with the second degree;

dd. Public decency in the first degree, provided there is no possibility that one of the spouses might be the offspring of the other spouse.

c. To dispense at the time and in the act of pastoral visitation or sacred missions, not otherwise, from all matrimonial impediments mentioned above in favor of those who are living in concubinage.

d. To validate by *sanatio in radice* marriages contracted invalidly because of one of the impediments of both minor and major degree, with the exception of the impediment arising from the sacred orders of the priesthood and from affinity in the direct line arising from consummated marriage, if it is gravely inconvenient to require of the party ignorant of the impediment the renewal of consent, provided that the former consent perseveres and there is no danger of divorce, and that the party who knows of the impediment is informed of the

effect of the *sanatio*, and that it is duly recorded in the matrimonial record.

In the use of the faculties enumerated here the precepts of C. 1048-1054 must be observed.

3. From the *Sacred Penitentiary*:

a. To dispense persons who in violation of the vow of perfect and perpetual chastity made privately after the completion of the eighteenth year of age contracted marriage, in order that they may be permitted to ask for the *debitum conjugale*. These penitents are to be informed that they are bound by the vow outside the proper use of marriage and if they should survive their partner.

b. To dispense from the occult impediment of crime after marriage has been attempted, provided the impediment was incurred without mutual co-operation (see C. 1075, section 3). The parties who live in invalid marriage must be informed of the necessary secret renewal of consent, and a heavy, long penance shall be imposed on them.

c. To dispense from the occult impediment of crime before marriage has been attempted, provided there was no mutual co-operation in the crime. A heavy long penance is to be imposed. Woywod, "A Practical Commentary on the Code of Canon Law," vol. II, pp. 646-648, 651-652, 655.

In marriages of Catholics of mixed Rite any dispensations that are necessary are to be given by the bishop of the bride. A. A. S., 1929, p. 159.

B. Faculties of the Pastor, Assisting Priest and Confessor to Dispense In Marriage Cases.

1. The pastor (and all those who take the place of the pastor) can dispense:

a. IN DANGER OF DEATH. Like the Ordinary, the pastor can dispense, when danger of death is so urgent that there is no time to approach the Ordinary, from the form of the contract as well as from any and all impediments of the ecclesiastical

law, except the impediments arising from the sacred priesthood and from the affinity in the direct line arising from consummated marriage, subjects and *peregrini*. Scandal must, of course, be removed, and in case the dispensation is granted for disparity of cult, or mixed religion, the prescribed promises must be made.* C. 1043, 1044. All those who exercise the rights of the pastor as also the delegated priest can give the dispensation under the same conditions. Leitner, p. 336.

EXPLANATION:

aa. There must be *danger of death*. There must be danger that one of the couple die before the dispensation can be obtained from the bishop of the diocese in the ordinary way (not by telegraph or telephone). Ordinarily it will take several days to get the dispensation from the bishop. There is no need of being overscrupulous in this matter. If according to his own prudent judgment, or that of the doctor or the nurse, there is great danger of death, the pastor has *jurisdictio probabilis*, and in such a case the Church supplies. It is sufficient if only one of the couple, even the one that does not need the dispensation (the wife of a deacon) be in danger of death. The danger may be an external one (mobilization, dangerous epidemic) or internal sickness (difficult birth).

bb. Object of the dispensation are the conditions required for the valid and lawful contracting of marriage with regard to the form (presence of two witnesses), as well as all impediments of the ecclesiastical law, public and occult, diriment and prohibitive, also multiple or several of different kinds, not, however, the two mentioned by the Canon Law and the impediments of the natural and the divine law (impotence, vinculum, etc.).

cc. Reasons for dispensation are: Peace of conscience, concubinage, the preservation or restoration of the good name of a seduced person or providing a living for such a person, legitimation of born or expected children.

b. IN URGENT CASES: IMMEDIATELY BEFORE MARRIAGE. If an impediment is discovered only after everything has been prepared for the marriage (*casus perplexus*) and the ceremony cannot be de-

*Capello (de Matri, n. 232) is of the opinion that *probabilis* the pastor can dispense from these impediments and the form, even though the prescribed promises have not been made, if the demands of the divine law are safeguarded, v. g., because there is no great danger for the faith of the Catholic party and there are no prospects for children, or the children are already beyond the control of the non-Catholic party.—Dr. Heribert Jone, O.M.Cap., Theo.-prakt. Quartalschrift, 1928, III, p. 569.

layed until the dispensation be obtained without probable danger of great evil (of violating the seal of confession), the pastor can dispense from the impediments mentioned above under (*a*), not, however, from the prescribed form, and with the restriction that they be "occult cases". Those who take the place of the pastor and those who have been delegated to assist at the marriage have the same powers. Linneborn, p. 117. The Ordinary can dispense in urgent cases, if there is not time to recur to Rome, in all, even public cases. C. 1045.

aa. Reasons for dispensation would be if there is probable danger of great evil. Such an evil would be: danger that the couple lose their good name; incontinence, material loss to the couple or their relatives on account of postponing the ceremonies.

bb. For *pastors* the restrictions "in casibus occultis" is made.

The Canon does not say: *Fro impedimentis occultis*. The use of a new term shows that there is question here not only of impediments which are of their very nature and actually occult, but also of those cases which of their nature are public but actually occult. A. A. S., 1928, p. 61. In this sense an impediment is still occult in a town if it is known to three persons, and in a city if it is known to not more than eight persons who will not divulge it. Hence, the pastor can dispense from impediments which of their nature are public, but in reality are kept secret; however, in case of impediments which of their nature are occult, but have been divulged, he cannot dispense. Vermeersch, II, p. 199.

Immaterial is the fact that the impediment was known to the couple before, as long as only now it becomes known to the pastor (Ordinary). A. A. S., 1921, p. 178.

c. IN URGENT CASES AFTER MARRIAGE. In case of an invalidly contracted marriage the pastor has the same faculties for the validation of such a marriage as in *casus perplexus*, under the same circumstances and with the same limitations.

aa. The *periculum in mora* is practically always present; danger of incontinence.

bb. Concerning *casus occultus*, as above.

However, it must be remarked that the pastor cannot in this case dispense from the prescribed form. For valida-

tion, the renewal of consent is always required in the presence of the pastor and two witnesses, if the prescribed form has not been observed (marriage before the squire or a Protestant minister). For the validation of a civil marriage *in periculo mortis*, the faculties under (a) are applicable.

2. The priest who assists at a marriage in the sense of C. 1098 has the same faculties for dispensing as the pastor. C. 1044, 1045.

a. In *danger of death*, in case there is no time to approach the pastor or a priest delegated to assist at the marriage, it is sufficient for the validity and licitness of the marriage, if the consent is manifested before two witnesses. Should there be a priest present who is not delegated to assist at the marriage, he should assist for the licitness of the marriage. In this case he can also dispense as the pastor according to 1a.

b. Apart from the danger of death, marriage may be contracted without the (physical) presence of an authorized priest, if it can be prudently *foreseen* that this state of affairs, namely the difficulty to have an authorized priest witness the marriage, *will continue for a month*. If there be another priest not delegated who can be present, he should be called and together with the witnesses assist at the marriage, but only two witnesses are necessary for the validity. C. 1098. A. A. S., 1928, p. 120. Such an assisting priest has the same faculties as the pastor under n. 1b and c.

Physical absence also includes those cases in which the pastor, though physically present in the place, cannot ask for and receive the consent *ob grave incommodum*. A. A. S., 1931, p. 388.

3. The confessor, if the Ordinary cannot be approached, can dispense:

a. IN DANGER OF DEATH as the pastor, however, only "pro foro interno in actu sacramentalis confessionis tantum". C. 1044.

How is this clause to be understood? The one opinion (Arendt, Oesterle,) holds that the confessor can, if there is danger of death, dispense, *in actu sacramentalis confes-*

sionis, from the form as well as from all public and occult dispensable impediments. The other opinion (Hilling, Wernz-Vidal and others) restricts the power of the confessor to the *occult* impediments. Hence, according to this opinion, the confessor can dispense only from the three impediments mentioned above, and not from the form and the public impediments.

"Per se, the confessor can, therefore, also dispense from the public impediments (and the form), invoking Canon 209, which says: 'The Church supplies jurisdiction in a positive and probable doubt of fact as well as law.' Since, however, such a dispensation cannot afterwards be proved (in foro externo), great difficulties might arise. As long, therefore, as there is any possible chance of obtaining a dispensation *in foro externo*, it should be obtained. If in any way possible, the confessor should get the delegation from the pastor to dispense in foro externo as also to assist at the marriage. However, if he cannot approach the pastor, he witnesses the marriage as "sacerdos assistens" and has the same powers. But a "sacerdos assistens" can, according to Canon 1044, also dispense in *foro externo* from the impediments." Dr. Heribert Jone, O.M.Cap., Theo.-prakt. Quartalschrift, 1927, IV, p. 773-774.

b. FOR SPECIAL EMERGENCIES BEFORE AND AFTER THE MARRIAGE, the confessor has the same faculties, but only in *occult* cases and "in actu sacramentalis confessionis" as the pastor according to n. 1b and c. C. 1045, section 3.

N. B.—Since the faculties of the pastor are *potestas ordinaria*, he can also delegate them, for instance, to the priest authorized by him to assist at the marriage. If a dispensation has been given by the pastor or the assisting priest for the external forum, he must at once inform the Ordinary of this fact and the dispensation must be noted in the parish records of the parish to which the parties belong. C. 1046.

CHAPTER VI.

Examination of Those Who Wish To Marry.

1. C. 1020: The pastor whom the law entitles to assist at marriage must in good time inquire whether there is any impediment to marry. He should ask *separately* both the man and the woman

whether they are under any impediment, whether they freely consent to marry, especially the woman, and whether they are sufficiently instructed in Christian doctrine, unless he knows otherwise that they are well instructed in their religion. C. 1021: Unless the parties were baptized in his own parish, the pastor must get the baptismal certificate of the parties (also in case of mixed marriages), or of the Catholic party only in case of a Catholic and unbaptized party to be married with the dispensation from disparity of cult. C. 1029: If another pastor examined the parties and announced the banns, he should inform the pastor who is to assist at the marriage concerning these affairs.

When the couple come to announce their intention to get married and to make the necessary arrangements, the pastor should use this opportunity to give them some general instruction concerning matrimony and the impediments.

2. C. 1033: The pastor shall not neglect to teach the parties to be married the sanctity of the Sacrament of Matrimony, the mutual obligations of the married people and the duties of parents toward the offspring. He shall also admonish them to make a good confession and receive Holy Communion.

3. Immediately before marriage the couple should be thoroughly instructed about conjugal life, their rights and duties.

The following points should be impressed upon them:

a. The origin of marriage (Gen., 2, 23), especially marriage as a Sacrament (Eph. 5, 32). Deductions.

b. The purpose of marriage: *Finis primarius* and *secundarius*. Sacredness of marriage; creation of the soul. I. Cor., 7, 14; Tob., 8, 9.

c. The rights and duties of married people to each other:

aa. Conjugal love. Eph., 5, 22; Col., 3, 18.

bb. Conjugal fidelity. Math., 5, 28.

cc. Conjugal chastity. Tob., 6, 17.

LICITA: Copula conjugalis, etsi finis primarius jam obtentus sit vel amplius obtineri nequeat, omni tempore, sed mulieri parcat vir quibusdam temporibus oportet seu convenit.

Tactus, aspectus ad copulam ordinati.

Signa quaevis amoris (oscula, amplexus) omni tempore.

Nec tactus et aspectus ad copulam non ordinati sunt gravia peccata, quamvis moderationi sit studendum.

Cogitationes, desideria, gaudia voluntarie habita de venereis quae conjugibus licent. Idem dic de colloquiis cum ipsius conjugis.

ILLICITA: Omnia venerea (actus interni et externi) voluntaria habita circa personam non ipsius conjugem peccata sunt gravia. Imo graviora quam in solutis.

Circa ipsum matrimonii usum peccatum grave prohibitionis generationis (onanismi).

Pollutio (satisfactio venerea) intenta seu studiose procurata. Actus solitarii imperfecti sunt leve peccatum.

Obligatio demum gravis debiti reddendi, si rationabiliter et serio (non ab ebrio et recte, non onanistice, facienda) petitur nec adest excusatio. I. Cor., 7, 5.

De periculo pollutionis vitando vix est quod moneri debet, cum actus imperfecti etiam cum periculo pollutionis, quae tamen non intenditur, liceant ex justa causa, quae fere semper praesertim in reddente aderit (sedatio concupiscentiae, compensatio quaedam pro abstinencia ab actu conjugali, manifestatio amoris). Telch., p. 126. In confessionali interroganti dicatur: Si nimis excitatum iri te sentis aut perficias copulam aut cesses.

Pollutio per accidens secuta approbari non liceret, sed de hoc prudentius tacetur.

d. Duties toward the children.

BEFORE BIRTH: Prudent care; baptism of any living fetus. Crimen abortus.

AFTER BIRTH: Timely baptism. Nursing at the mother's breasts. Examples instruct children better

than words. Teach the children modesty alone and in the presence of others.

Stress should be laid upon the necessity of a good (general) confession, the reception of Holy Communion and fervent prayer to implore God's blessing on their married life. Tob., 9, 12: "The marriage feast they celebrated with the fear of the Lord."

CHAPTER VII.

Assistance at Marriage.

1. VALID ASSISTANCE.

The following assist *validly* within their territory from the day they have taken canonical possession of their benefice, or have entered upon their office, provided they are not excommunicated, interdicted, or suspended from office by a condemnatory or declaratory sentence (C. 1095, 2279):

a. The *Ordinary* and the *pastor* or the priests that exercise the rights of the pastor.

Hence, also the following can without further delegation assist and delegate others to assist at marriages: the vicar of an incorporated parish, the *vicarius oeconomus* (who with the permission of the Ordinary rules the parish during a vacancy), the *vicarius substitutus* (who takes the place of the pastor in a more than seven days' absence, with the permission of the Ordinary), the vicar of the *parochus religiosus* after he has received the delegation of the Ordinary, even before he has received the approbation of his superiors. A. A. S., 1924, p. 114. The *vicarii adiutores* and the curates, only if they have been delegated *ad universitatem causarum*.

According to a decision of July 14, 1922 (A. A. S., 1922, p. 527), the *vicarius substitutus* during a more than a week's absence of the pastor, can assist validly and licitly only with the approval of the Ordinary; if, however, the pastor for urgent reasons has to be absent for more than a week from his parish, being unable first to get the permission of the Ordinary, the substituting priest can also validly assist at marriages as long as the Ordinary, who must be immediately informed, has not decided otherwise.

b. A *priest delegated* by one of those specified under a, within the territory of him that delegated him.

The permission given to another priest to assist at a marriage must be granted to a *specified* priest for a *specified* marriage. To such a specified priest for a specified marriage the power of subdelegating for this specified marriage can be granted. Only to *vicarii cooperatores* (assistants, curates) can general delegation be granted by the Ordinary or the pastor. Such assistants delegated *ad universitatem causarum* can also subdelegate a specified priest for a specified marriage. C. 199.

The pastor or the local Ordinary who in accordance with C. 1096, section 1, delegates a certain specified priest to witness a specified marriage can give him also permission to subdelegate another specified priest for assisting at that marriage. A. A. S., 1928, p. 61. He, therefore, who is delegated for a specific marriage, can subdelegate only in case that he has received the power to delegate for this specific marriage. Assistants who have received the general delegation can also subdelegate another specified priest to assist at a certain specified marriage. A. A. S., 1928, p. 91. It is certainly advisable that this general delegation be given to the assistants. Emergencies may arise in the absence of the pastor which may make it impossible or inconvenient for the assistant to assist at certain marriages.

The Commissio ad Codicem interpretandum, May 20, 1923, declared that the priest according to Canon 1096 is not sufficiently specified if the pastor would say to the superior of a monastery: I hereby delegate *that* Father to assist at a marriage whom you are going to send, etc. A. A. S., 1924, p. 115.

Hence, the priest who is to assist at a marriage must have been specified already in advance before he can validly assist at a marriage. Such a delegation as the following: I delegate that Father who will come to take my place, or who at the time of the delegation is superior of the monastery, the senior, or the junior, is invalid, if at the time of the delegation no definite priest is meant. Certainly valid is the delegation: I delegate that Father who has already been appointed by the superior, because he is a "sacerdos determinatus", even though the pastor does not know which Father has been appointed.

The delegation for one or the other determined case may extend to several priests, provided the individual priests have been definitely determined by mentioning their names or office. Schafer, p. 183.

Rectors of churches (religious superiors) cannot receive general delegation from the pastor unless they have also been appointed by the Ordinary as assistants, or vicars, of the pastor. The appointment of the superiors as assistants for the sole purpose of assisting at marriages without the appointment for other parochial assistances seems to be an invalid circumvention of the law.

The exempt churches of regulars (not parish churches) belong to the territory of the pastor or Ordinary in whose territory they are located in as far as assisting at marriages is concerned. A. A. S., 1910, p. 194.

In private houses the bishop may not permit the celebration of marriages except in some extraordinary cases and for good reasons. In churches or chapels of seminaries or of religious women, the Ordinary should not allow the celebration of marriage except in urgent necessity and with due precaution. C. 1109.

2. TWO WITNESSES.

C. 1094: Those marriages only are valid which are contracted either before the pastor or the Ordinary of the place, or a priest delegated by either, and at least two witnesses.

The two witnesses must be actually present when the consent is given and must be able to testify to the effect that the consent has been given. Hence minors, non-Catholics, witness validly; not, however, those who are drunk or deaf-blind. Whether the witnesses are present of their free will or forced, invited or accidentally, is immaterial for the validity of the act. If possible, only Catholics should be witnesses; non-Catholics only for grave reasons, with the permission of the bishop, and provided there be no scandal. S. Office, August 19, 1891.

The parties to be married have the right to choose their witnesses.

The pastor shall note in the baptismal record also the names of the witnesses.

3. CLANDESTINE MARRIAGES.

The laws defining the form of marriage at present prescribed for the validity of marriage went into effect April 19, 1908 (*Ne Temere*). Since the laws regulating the form of marriage have no retroactive

force, every case of clandestine marriage must be judged according to the time and place in which it was contracted. For practical purposes mark the following before April 19, 1908:

a. In places in which the Tametsi (*coram parocho proprio et 2 testibus*) was in *full* force, clandestine marriages between two Catholics, between a Catholic and a non-Catholic, between two baptized Protestants, were invalid.

In the United States, Santa Fe is the only province in which the Tametsi without modification was in force.

b. In places in which the Tametsi (with Benedictine modification) was in force, the clandestine marriage between two Catholics was invalid; between a Catholic and a baptized non-Catholic, as also between two baptized Protestants, in the absence of other diriment impediments, valid.

The following places in the United States were subject to this regulation: The entire Province of New Orleans; the province of San Francisco, except the territory of Utah on the east side of the Colorado River; the diocese of Vincennes (Indianapolis); the city of St. Louis, S. Genevieve, Florissant, and St. Charles; Kaskaskia, Cahokia, French Village, and Prairie du Rocher.

c. In places in which the Tametsi was not in force, clandestine marriages between two Catholics, between a Catholic and a baptized Protestant, between two baptized Protestants, were valid.

N. B.—With regard to the clandestine marriages of immigrants, consult the standard works of Moral Theology.

4. LICIT ASSISTANCE.

The pastor and the bishop assist *licitly* at marriages only:

a. After they have ascertained the free state of the contracting parties, according to the regulations of the Code;

b. After they have ascertained that at least one of the parties has a domicile or a quasi-domicile

in the place of marriage, or has lived there at least a month;

c. If the pastor cannot claim the parties as his subjects under the provision of *b*, he must obtain permission to assist either from the pastor or the Ordinary where one of the parties has a domicile or quasi-domicile, or one month's sojourn, unless there be a grave necessity, which excuses from obtaining the permission. C. 1097.

The pastor or a priest delegated by him for that purpose shall not assist at the marriage of *vagi*, except in a case of necessity, without referring the matter to the Ordinary and obtaining permission to assist at such marriages. C. 1032.

In every case it shall be the rule that marriage be celebrated before the pastor of the bride, unless some just reason excuses. Marriages of parties of different Rites shall be contracted in the presence of the pastor of the husband's Rite, unless a particular law rules otherwise. C. 1097. If the bride is a baptized non-Catholic the pastor of the parish where the bride lives has the right to witness the marriage, for the Code without distinction rules that the marriage is to take place before the pastor of the bride. Woywod I, p. 682. If the bride is not baptized and is therefore in nowise a subject of the Church, the pastor of the groom would seem to have the sole right to witness the marriage.

Marriages between a Greek-Ruthenian and a Catholic of the Latin Rite is to be solemnized by the pastor of the bride in the Rite of the bride. A. A. S., 1929, p. 159.

The assisting priest must ask for and receive the consent of the contracting parties. Active assistance is necessary for all marriages. C. 1032.

According to C. 1096, the delegating, and not the delegated, priest, must see that all that which the law required for the proof of the free state of the parties has been complied with.

5. RECORD.

After the celebration of marriage the pastor, or he who takes his place, shall as soon as possible enter in the marriage record the names of the married couple and of the witnesses, the place and date, and other items prescribed in the rituals and the diocesan statutes. The pastor shall make the entry even if another priest, delegated either by himself or by the

bishop, blessed the marriage. The pastor shall also, according to C. 470, sec. 2, note in the baptismal record that the parties contracted marriage in his parish on that day. If one or both parties were baptized in another parish, the pastor shall send notice of the fact to the pastor where the parties were baptized, which he may do either directly or through the Curia of his diocese. C. 1103.

Res nova, quae hisce praescribitur *gravis* est, quia ejus finis gravis est, ut scilicet de matrimonio contracto constet, nec ullum matrimonium occultari vel negari possit. Noldin (1923), III, p. 757.

CHAPTER VIII.

Pastoral Solicitude with Regard to Mixed Marriages.

A. Mixed Company-keeping.

1. The Church forbids most severely and in all countries marriages between a Catholic and a heretic, or schismatic. If there is danger of perversion for the Catholic party and the offspring, such marriage is also forbidden by Divine Law. C. 1060.

2. Bishops and other pastors of souls must deter the faithful as much as they can from mixed marriages. C. 1064, section 1.

In regions where the population is preponderantly non-Catholic, the confessor should ask those who keep company concerning the religion of the party with whom they keep company. If the penitent does not know, he should be seriously admonished to inquire. If the other party is a non-Catholic, the confessor should seriously, but prudently, urge his penitent to give up such company-keeping on account of the great detriment of mixed marriages to *bonum fidei, prolis, et sacramenti*.

The ecclesiastical prohibition of mixed marriages rests upon the law of nature, since by mixed marriages the highest goods are jeopardized. Intimate union of heart and confidence are hardly possible where there is such a pronounced difference with regard to the highest good of religion. The faith of the Catholic party as well as that of the children is exposed to the greatest danger.

Since the Protestant party does not believe in the indissolubility of marriage, divorces are oftentimes the result of mixed marriages.

3. The Church does not dispense from the impediment of mixed religion unless:

- a. There are good and serious reasons;
- b. The non-Catholic party promises to remove all dangers of perversion of the Catholic party, and both parties promise that all their children shall be baptized and brought up as Catholics;
- c. There is *moral* certainty that the promises will be kept. The promises are, as a rule, to be made in writing. C. 1061.

Bishops and other pastors of souls must, if they cannot prevent mixed marriages altogether, by all means see that they are not contracted against the laws of God and of the Church. C. 1064, section 2.

Although Canon Law does not mention in this place the promise of the Catholic party to work for the conversion of the non-Catholic or the promise not to get married outside of the Church, nevertheless it inculcates these duties in other places of the law. C. 1062 says: The Catholic party has the obligation prudently to work for the conversion of the non-Catholic party. C. 1063: If the Church has given the dispensation from the impediment of mixed religion, the parties are not allowed, either before or after the Catholic wedding, to approach either in person or by proxies a non-Catholic minister as such, to give or renew the consent in the Protestant Rite. If the pastor knows that the parties will certainly violate or have already violated this law, he shall not assist at their marriage, except for serious reasons, and only after the scandal has been removed, and the Ordinary has been consulted.

4. If the required promises have been made and there is no reason to doubt their sincerity, and there are weighty reasons for contracting such a marriage, and the penitent is willing to enter a mixed marriage only after the necessary dispensation has been granted and in the proper form, then he has fulfilled the strict obligation imposed by the Church, and in that case the confessor has no right to deny absolution to an otherwise disposed penitent. If *these promises are not made or not seriously meant*,

dispensation is impossible and the penitent must be forced to give up such a relation under pain of refusal of absolution.

The seriousness of the promise to educate the children as Catholics may easily be doubtful in case the parties depend for financial support on relatives who are bitter against the Church; or in case the couple wish to take up their abode in a Protestant district where there is no Catholic church. In case of company-keeping of long standing with non-Catholics, there is hardly any hope of breaking up such a relation, and too great severity in this matter is calculated to drive such lukewarm Catholics to get married outside of the Church, and thus to make hopeless the Catholic education of the children. The confessor should, however, be especially strict if such company-keeping is illicit for other reasons.

If the Catholic party has not yet asked the non-Catholic party whether he is willing to make the required promises, he can only then be absolved if he promises to do this immediately and rather forego such acquaintance than to endanger the fulfillment of the regulations of the Church.

5. If the required promises have been made, the pastor of the Catholic party must send the application, with the reasons, for the dispensation to the Ordinary.

For the dispensation a *ratio gravis* is required (danger of a civil marriage, or Protestant marriage, concubinage, etc.), which in present day circumstances can practically always be presupposed.

Publication of the banns for mixed marriage is omitted in this country. Mixed marriages should as a rule take place in the priest's house, and always without any religious ceremonies.

The dissolution of a promise of marriage between Catholics and Protestants does not cause any difficulty. Even should such promises have been made in the prescribed form, they are nevertheless invalid before the dispensation has been given. For the rest, in the very nature of the case, there is sufficient reason to break such an engagement.

B. Existing Mixed Marriages.

The pastors should watch that those who contracted a mixed marriage in their own place, or come from other places, live up to their promises. C. 1064, section 3.

Catholics who have married outside of the Church and have consented to have their children brought up outside of the Church, generally look for a strange confessor. The confessor should, therefore, be on his guard, and in case a penitent has been away from the sacraments for a long time, inquire for the reason. If the penitent has contracted marriage outside the Church, he is to be sent without absolution to the pastor so that the necessary dispensation can be procured. If the non-Catholic party refuses to make the prescribed promises or to renew his consent before a qualified priest, the only way to help the Catholic party is to procure a *sanatio in radice*.

Those who get married before a Protestant minister or agree to have their children baptized or brought up in a Protestant sect, incur an excommunication reserved to the bishop. See what has been said about censures above.

With regard to the Catholic education of the children, there remains a *gravissima et continua obligatio* on the part of the Catholic parent who has neglected to have the children brought up in the Catholic religion. S. Off., April 12, 1891. The Catholic parent must, therefore, promise in as far as possible, to supply this neglect. If he refuses to do so in as far as possible, true contrition is wanting and he is not worthy of absolution. If the Catholic education is beyond the control of such a parent, true contrition for the neglect is sufficient for absolution.

If a priest is called to a sick person who lives in an invalid mixed marriage, the following should be observed:

a. First he must try to dispose both parties to renew their consent as prescribed by the Church. If they are willing to do this, they must sign the required promises. With regard to the absolution from the censure of contracting marriage before a Protestant minister, dispensations of impediments, assisting at a marriage in danger of death, see what has been said in the proper places.

b. If the non-Catholic party cannot be induced to renew the consent before a qualified priest and two witnesses, the sick person can be absolved if he promises to give up this relation, or at least to do that which the Church demands. In case there is time and a *sanatio in radice* is possible, application should be made for the *sanatio in radice* to the Ordinary. The full names must be given because this case belongs to the *forum externum*.

c. Catholics who have lived and died in an invalid (civil or Protestant) marriage or have consented to have their children educated in a Protestant sect, must, in case they die without signs of contrition, be refused Christian burial. C. 1240, section 6. S. Off., May 8, 1907.

CHAPTER IX.

De Onanismo Conjugali.

1. *Onanismus seu positiva frustratio generationis sive per abruptionem copulae sive per media physica vel chemica est jure naturae prohibitus.*

Non est onanismus: interruptio copulae, quae accidit ex fortuita necessitate (culpa vacat, etiamsi, praeter intentionem, effusio seminis fieret). Abruptio copulae ante seminationem viri et absque periculo effundendi semen extra vas (si fieret mutuo consensu et ex justa causa) juxta autores tactui impudico inter conjuges aequiparari potest. Sed tamen quia periculum pollutionis ibi facile occurrit, a tali agendi ratione conjuges arcendi sunt; si vero asseverent, raro tantum sequi pollutionem, id sub gravi eis prohiberi nequit.

2. *O. est grave peccatum ideoque confessarius in fundata suspicione hujus criminis prudenter interrogare et in defectu dispositionis absolutionem negare debet.*

3. *Cooperatio uxoris ad onanismum viri (per abruptionem copulae) licet ex gravi causa.* S. Poenitentiarum, die 1 Febr. 1823; 3 Apr. 1916.

Graves causae magis sub respectu correctionis fraternae quam sub ratione cooperationis requiruntur. Ne peccato consentire videatur, debet "monitis ac precibus, pro spe fructus aliquoties iteratis (non est necesse ut singulis vicibus faciat) virum ab hoc crimine avertere." S. Alph., VI, n. 947. Vermeersch, De Castitate, p. 265.

Graves causae sec. AA. sunt evitatio rixae, aversionis viri, periculum adulterii, quoties sibi grave est carere actu conjugali (licet tunc etiam petit mulier), quae causae fere semper aderunt. Telch., p. 125.

Ipsi (mulieri) imponenda est obligatio, ut, omni quo possit modo, praesertim precibus et blanditiis, virum a pessimo illo peccato avertat. . . Erga ipsam severitatem propendendum potius quam laxitati, ne ad hoc deveniatur, quod, viris a Sacramentis rejectis, subtili distinctione mulieres onanismo indulgentes passim admittantur.

Gaudere de effectibus, e. g., de praeservatione a molestiis graviditatis, vel consentire in voluptatem durante copula oborientem ipsi non est peccaminosum.

Si ipsa uxor post copulam semen expellere voluerit, vir pro auctoritate qua pollet, illud ipsi vetare debet. Quod si nihil proficiat ipse ob justam causam petere potest.

Lotiones vaginales generationem impedire possunt, si statim post copulam fiunt; ordinarie autem nullum habetur periculum deperdendi seminis, si aliquo tempore post copulam fiunt.

4. *Copulae onanisticae per usum mediorum (condomisticae) uxor positive resistere debet, est enim actus ab initio intrinsece malus.* S. Poenit., 19 Apr. 1853; 3 Jun. 1916.

Confessario satis erit mulierem docere, abusionem istam nullatenus permitti posse. De modo et gradu resistantiae opponenda regulariter melius erit ut ultro nihil addat, ne uxoris condicionem quae per se jam difficilis est magis impeditam reddat. Vermeersch, p. 262.

Vir qui scit uxorem pessario uti, remotionem postulare debet nec potest inducere ad congressum uxorem oclusam pessario. In viro passivus modus se gerendi haberi non potest. Noldin (22), n. 74. Olim id idem permittebat Vermeersch (De Castitate, 1921, n. 268), sed recentius istam sententiam mutavit, affirmatque hujusmodi uxorem "comparandam esse cum viro qui, adhibito condom, matrimonio perfecte uti voluit." Periodica de Re Canonica et Morali. 1 Aug. 1925, p. 65.

5. *De prohibitione negativa generationis:*

a. *De tempore ageneseos:*

S. Poenitentiaria die 16. Junii 1880: Conjuges praedicto modo (sc. illis tantum diebus, quibus difficilior est conceptio) matr. utentes inquietandos non esse, posseque confessarium sententiam, de qua agitur, illis conjugibus, caute tamen, insinuare, quos alia ratione a detestabili onanismi crimine abducere frustra tentaverit.

b. *De copula dimidiata (sed cum effusione seminis in vaginam mulieris):*

I. An tolerari possit confessarios sponte sua docere praxim copulae dimidiatae, illamque suadere promiscue omnibus paenitentibus, qui timent ne proles numerosior nascatur?

II. An carpendus sit confessarius qui, omnibus remediis ad paenitentem matrimonio abutentem ab hoc malo avertendum frustra tentatis, docet exercere copulam dimidiatam ad peccata mortalia praecavenda?

III. An carpendus sit confessarius qui, in circumstantiis sub II, copulam dimidiatam paenitenti aliunde notam suadet, vel paenitenti interroganti num hic modus licitus sit respondet simpliciter licere absque ulla restrictione seu explicatione? Ad. I. dubium, Negative. Add II et III, Affirmative. S. Off., 22 Nov. 1923.

Ex quo patet peccatum leve non tolli si ex hac sola causa talis copula exerceatur ne proles numerosior nascatur. Noldin, De sexto, n. 68.

CHAPTER X.

The Pauline Privilege.

This privilege comes from St. Paul, who promulgated it in his first Epistle to the Corinthians (VI, 12-15).

1. *Nature.* A legitimate marriage between non-baptized persons, even though consummated, is dissolved in favor of the faith by the Pauline Privilege. C. 1120, sec. 1.

For the conversion to the Faith, *valid Baptism* is necessary; which is *probably* sufficient, if received in a non-Catholic Christian sect. Arregui (ed. 5), p. 524.

This privilege does not hold in case of a marriage between a baptized person and a non-baptized person with a dispensation from the impediment of disparity of cult. C. 1120, sec. 2. Since in a doubtful matter the Pauline Privilege enjoys the favor of the law (C. 1127), some weighty authors contend that in case one or both parties are baptized in a non-Catholic sect and there is serious doubt with regard to the validity of the baptism, the Pauline Privilege may be applied. If one party is certainly validly baptized and the other is not baptized or doubtfully baptized, the case is commonly considered not to fall under the Pauline Privilege. Woywod I, p. 717. Cfr. Capello III, p. 838; Vermeersch-C. II, p. 268.

2. *Condition.* The Pauline Privilege is only then applicable if the unbeliever *refuses* to cohabit with the converted partner, *sine contumelia Creatoris*, that is, without injury to the faith and morals, or without offense to the Creator.

This refusal may be *physical* or *moral*. It is *physical*: (a) if the unbeliever leaves his faithful consort, who has given him no just cause for departure; (b) if he contracts a marriage with another; (c) if he is detained by another consort (a secundo marito), or by a creditor for unpaid debts; (d) if he departs out of hatred for the faith of his consort.

It is *moral*: (a) if he refuses to live with the believing party without blaspheming the Name of Christ; (b) if he refuses to give up concubinage, which is an offense to God; (c) if he attempts to seduce the Catholic party to idolatry; (d) if he continues to quarrel, though the Catholic party has not given any just cause, or if he has given just cause for it, has made satisfaction or amendment for it. Crimes committed by the faithful party before Baptism do not deprive him of the Pauline Privilege; neither does he forfeit that right by crimes committed after Baptism, if they are not suspected by, or known to, the infidel party.

3. *Interpellations*. These interpellations must always be made, unless the Holy See has decreed otherwise. C. 1121.

Before the converted and baptized party may proceed to a new marriage, he must with due regard to the conditions mentioned in C. 1125, inquire of the unbaptized party:

1. Whether he or she, too, will be converted and receive Baptism;

2. Whether he or she would at least consent to peaceful cohabitation without offense to the Creator.

These interpellations must, as a *rule*, be made *after* Baptism. However, in extraordinary cases, the Holy See has granted faculties to make the interpellations during the time of the catechumenate.

This double question must be put even if evidence is at hand to show that the infidel party has no intention to be converted. Neither is the double inquiry to be omitted in case a divorce has taken place and another marriage has been contracted according to civil law.

These interpellations should, as a *rule*, be made at least in a summary and extra judicial form with the authority of the Ordinary of the converted party. The same Ordinary may grant to the unbelieving party who asks for it, time to deliberate, under the express condition, however, that failure to reply within the term conceded, will be regarded as a

negative answer. Private interpellations made by the converted party are valid, and also lawful, if the form prescribed above cannot be followed; but in that case evidence that the interpellations have been made, must be given by at least two witnesses, or in some other legal form. C. 1122. If the interpellations have been omitted by virtue of a declaration of the Apostolic See, or if the infidel party has either explicitly or tacitly given a negative answer to them, the baptized party may contract a new marriage with a Catholic, unless he or she has, after Baptism, given just cause to the infidel party for departing. C. 1123. Although the baptized party has renewed marital relations with the infidel party after Baptism, he or she does not thereby lose the right to contract a new marriage with a Catholic, and that right may be used later, if the infidel, having changed his mind, withdraws without a just cause, or refuses to cohabit peacefully without blaspheming the Creator. C. 1124.

C. 1124 appears to exclude a marriage of the converted party with any but a Catholic. This must be considered the *rule*, which, however, admits of exceptions. For there are several cases related in the *collectanea* P. F., in which a dispensation from the impediment of disparity of cult was granted.

4. *Effect*. The bond of a first marriage, contracted in infidelity, is dissolved only when the baptized party contracts a new marriage validly. The dissolution of the former marriage takes place at the moment when the baptized party gives his consent to a new marriage. From that moment the infidel party is free. C. 1126. Augustine, vol. V., p. 348 ss.

It falls within the province of the Ordinary to apply the *favor fidei*, as is clear from the decrees that have reference to the Pauline Privilege. In causes of appeal (v. g. dispensation from the interpellations), the Holy Office has exclusive jurisdiction in cases which involve directly or indirectly the Pauline Privilege in marriage. C. 1962.

PART VII.

Indulgences.

CHAPTER I.

Conditions.

A. General Conditions.

1. Indulgences are granted by ecclesiastical authority from the treasury of the Church to the living in the form of absolution from temporal punishment due for sins already pardoned as to their guilt, and to the faithful departed in the form of suffrage. C. 911.

He who wishes to gain an indulgence must:

a. Be free from excommunication and in the state of grace. C. 925.

The condition: *Corde saltem contrito* (Decr. Auth., n. 427), means the state of grace. It is sufficient if the last pious work prescribed be performed in the state of grace, since at that moment the indulgence goes into effect. The order in which the prescribed works are performed is in itself immaterial.

b. Have at least the *general* intention to gain the indulgence.

Once a person has made the general intention to gain all the indulgences connected with certain good works, he gains these indulgences as long as he has not retracted his intention, even though he does not think of the individual indulgences or is ignorant of them. All the indulgences granted by the Roman Pontiff are applicable to the Souls in Purgatory, unless the contrary is stated in the indult (for instance, indulgence for the dying). C. 930. Also a general intention is sufficient for the application of these indulgences.

c. Fulfill the works, at the time and in the manner prescribed, *personally* (except the alms), *completely*, and *exactly*.

A very slight omission (1 or 2 Aves of the Rosary) does not hinder the gaining of an indulgence. Beringer, I, p. 65. Also he who through ignorance or impossibility omits to fulfill the prescribed conditions does not gain the indulgence. Racc., p. VIII.

REMARKS: 1. The prescribed prayers must be said *orally*. However, these prayers may be said alternately with others. The indulgences attached to invocations and ejaculatory prayers can be gained by mere mental recitation. A. A. S., 1934, p. 35.

2. The indulgences cease by any addition, diminution or interpolation. However, the custom of inserting the mystery of the Rosary in the Hail Mary has been approved. S. Poenit., January 22, 1921. Furthermore, in answer to a private question the S. Penitentiary replied, January 16, 1932, that the recitation of the six Our Fathers, Hail Marys and Glory, for the intention of the Holy Father, prescribed for the gaining of the toties-quoties indulgences, need not be continuous, but that ejaculatory prayers and pious meditations may be inserted between them, provided the six Our Fathers, etc., are said at each visit. Kneeling is necessary only in case it has been expressly prescribed, for instance, for the *Sacrosanctae* at the end of the Canonical Hours. D. Auth., n. 389. If a daily or weekly repetition of a certain good work is prescribed, an interruption is not permissible.

3. By good works to which one is held by law or precept, the indulgences cannot be gained, unless in the concession of the indulgence the contrary is expressly conceded; however confession (C. 932), Easter Communion (except for the Jubilee indulgence), community prayers of the religious not prescribed under sin, are sufficient. Beringer, I, p. 66.

4. To one and the same object or place various indulgences from different titles can be annexed, but by one and the same good work to which by different titles various indulgences are annexed, one cannot gain all these various indulgences unless the good works prescribed be confession and Holy Communion, or the indult granting the indulgence expressly states the contrary. C. 933. Thus, for instance, the Crosier and Dominican indulgences, the papal and other indulgences attached to the same objects can be gained by the same prayers. S. Poenit., May 14, 1922. But for every plenary indulgence the prescribed visit to a church must be repeated.

5. A plenary indulgence can be gained once a day only, unless the indult allows the repeated gaining of the indulgence. Partial indulgences, on the contrary, can be gained repeatedly on the same day by the repetition of the prescribed good work, unless the indult explicitly makes a restriction. C. 928.

N. B.—The participation in the merits of an Order which the superiors of religious institutes sometimes grant to special benefactors and friends, is not a real indulgence. Such a participation is, therefore, to be considered only a precatory application or donation of good works of the institute. Beringer, I, p. 49.

B. Special Conditions.

The ordinary conditions for the gaining of plenary indulgences are confession, Communion, a visit to a church, and prescribed prayer. The order of fulfilling the prescribed good work is immaterial. The indulgence is gained at the moment the last good work has been fulfilled. The plenary indulgence is granted in such a manner that, if a person cannot gain it for himself as a plenary indulgence, he can gain it, at least partially, according to the disposition in which his soul is. C. 926.

1. CONFESSION.

a. The confession which may be demanded for the gaining of the indulgence, can be made within eight days immediately preceding the day to which the indulgence is attached, on the day itself, as also on one of the seven days following the feast. C. 931, section 1. Confession made on a Saturday is sufficient for the two following Sundays to which an indulgence is attached.

b. For the indulgences attached to certain pious exercises of three or more days (missions, triduum, novenas), confession and Communion can be made on one of the seven days immediately following the conclusion of the exercises. The visits of the church and the prescribed prayers may be performed during the exercises; but they are performed preferably on the day of the reception of the Sacraments. C. 931, section 2. Beringer, I, p. 71.

c. The faithful who are *in the habit* to confess at least twice a month, unless legitimately impeded, or who receive Holy Communion daily in the state of grace and with a good and holy intention, though they may abstain from receiving once or twice a week, can gain all the indulgences without actual confession for which otherwise confession would be necessary (except for a Jubilee indulgence). C. 931, section 3.

The confession prescribed for the gaining of an indulgence must be made, even though there be no mortal sin to confess; absolution, in this case, is not necessary. Decr. Auth., n. 214, 253, 359.

2. HOLY COMMUNION.

Holy Communion may be received the day previous, on the day itself, as also on one of the seven days following the feast. C. 931. Such a Communion is, therefore, sufficient for the specified day and also the indulgences falling on the subsequent day, provided the other prescribed conditions be fulfilled.

Holy Communion need not be received in the church in which the visit must be made. However, if Holy Communion is received in the church in which the visit must be made, no extra visit is prescribed as long as the prescribed prayers are recited. Racc., p. XVIII.

3. PRAYERS FOR THE INTENTION OF THE HOLY FATHER.

a. Vocal prayer is necessary; purely mental prayer is not sufficient. C. 934. Mutes, however, can gain the indulgences attached to the recitation of public prayers by assisting with the faithful at the services and raising their hearts and minds to God. If there is question of private prayers it is sufficient if they say them mentally, or by signs, or by perusing them with their eyes. C. 936. *Cfr.*, also power of confessors.

The general intention to pray for the intention of the Holy Father, contained in the intention for gaining the indulgence, is sufficient.

b. The vocal prayer for the intention of the Holy Father may be chosen by the faithful, unless particular prayers are assigned. C. 934. Particular prayers are assigned for the gaining of the Statio SS. Sacr., for the gaining of the indulgences of the Stations of the Cross when using a crucifix.

To satisfy the condition "*precandi ad intentionem Summi Pontificis*", it suffices to add to the other prescribed exercises the recitation of *one* Our Father, Hail Mary, and Glory, for the intention of the Holy Father; and it rests with the individual, in accordance with C. 934, sec. 1, to recite any other prayer that his esteem and attachment to the Roman Pontiff may suggest. A. A. S., 1933, p. 446. However, for the *toties-quoties* indulgences to be gained by visiting certain churches, for which the prayer for the intention of the Holy Father is prescribed,

six Our Fathers, Hail Marys and Glories are prescribed, and no other prayer may be substituted. A. A. S., 1930, p. 363.

c. If no visit to a church is prescribed, the prayers may be said at any place, but during the natural day prescribed, from midnight to midnight.

4. VISIT TO A CHURCH.

a. If *no special church* is designated, the visit may be made in any church or public oratory, at which occasion the prayers for the intention of the Holy Father may also be said.

The faithful of either sex, who, either for the sake of religious perfection, or study and education, or for the sake of health, lead a community life in houses established with the consent of the Ordinary of the diocese, and all other persons living there to do service, can gain the indulgences for which the visit of some church or public oratory in general is required by visiting the chapel in the house, where they can by law satisfy their obligation of hearing Mass on Sundays and holydays of obligation, and no specified church is prescribed for the visit. C. 929.

b. If a *special church* is designated (the church of religious, of a confraternity, parish church), the visit must be made in the specified church, unless by a special concession an exception has been made, or the confessor has dispensed according to C. 935.

"Visit to a church or public oratory, or semi-public oratory for the inmates of an institution," demands at least the general or implicit intention to give honor to God in Himself or in His saints and the recitation of the prayer prescribed by the Grantor of the indulgence, or, if no special prayer is prescribed, of some oral or mental prayer according to one's personal piety or devotion. A. A. S., 1933, p. 446.

By *parish church* is meant one's own parish church, or also the parish church of the place where one happens to be.

By the *church of the regulars* is meant not only the church which is *their own*, but also the church which,

though it does not belong to them, has been given to them *perpetually and legitimately for divine service and unrestricted use*. Hence, those churches which have not been given over to them for their unrestricted use (mission churches, chapels of hospitals), even though they preach and administer the sacraments in them, cannot be considered churches of the Order, and do not enjoy the privileges of the Order. "*Si Regulares penes hujusmodi (non proprie dictas) ecclesias resideant, ministeria propria inibi obeant, concessio usus earundem ecclesiarum sit legitima, usus constans ac plenus, et ecclesiae publicae, tunc gaudent praefatae ecclesiae iisdem privilegiis et indulgentiis quae ecclesiis Ordinis praedictorum Regularium concessae sunt.*" Mocchegiani, *Collectio Indulg.*, pp. 428, 429.

Churches which formerly belonged to the regulars no longer enjoy the privileges of the regulars, unless a special concession has been made to that effect. Beringer, I, p. 94.

c. The *time for making the visits prescribed* extends from noon of the preceding day until midnight of the day appointed for the indulgence. C. 923.

If the church is closed or because of the throng it is impossible to enter the church, the prayers may also be said outside of the church. Also in the choir, the sacristy attached to the church (by means of a door or window) the visit may be made to the church. Monit. Eccl., 1918, p. 129.

The visit in a church on Sundays in order to hear Mass may also serve as the prescribed visit for gaining the indulgences, since only the assisting at Mass, but not the visit in a specified church, is obligatory. Gennari Quist. Theol. Mor., n. 613. Beringer (p. 74) suggests that a person satisfying his obligation of assisting at Mass on Sundays should go to church a little before Mass, or remain a little longer after Mass is over, in order to recite the prayers prescribed for gaining the indulgences. The visit prescribed for gaining the indulgences may also be made in connection with the reception of the sacraments.

C. The Power of the Confessor to Commute the Good Works Prescribed.

The confessor can commute the good works demanded for the gaining of indulgences for people who on account of some legitimate impediment cannot perform these works. C. 935.

This power is not restricted to the confessional; it furthermore extends to all the good works prescribed, local and toties-quoties indulgences, to the sick and all those who on account of some legitimate impediment cannot perform these works.

D. Indulged Feast Days.

The indulgences attached to the feasts of the Lord or the Blessed Virgin can be gained only on the feasts contained in the general calendarium, not on the particular feasts of an Order or a diocese. Indulgences attached to the feasts of the Apostles can be gained only on the principal feasts (festum natale), hence, for instance, not on the feast of the *Cathedra Sti. Petri, Conversio Sti. Pauli*. By the principal feasts of the Lord and of the Blessed Virgin are meant: Christmas, New Year, Epiphany, Easter, Ascension, and Corpus Christi; Immaculate Conception, Nativity, Purification, Annunciation, and Assumption. Beringer, II, p. 518.

In case of *transfer* of a feast, the indulgences attached follow:

a. If the transferred feast has an office and holy Mass, but no external solemnity, and the transfer is perpetual; not, however, for a transient transfer on account of the occurrence of feasts, not even on account of Good Friday. S. Poenit., February 18, 1921.

b. If the solemnity and external celebration (solemnitas et externa celebratio) are transferred for the time or perpetually. The same holds with regard to triduum, novenas, etc., before and after the feast. C. 922.

E. Publishing of Indulgences.

New indulgences, also those granted to churches of regulars, must not be published without first consulting the bishop of the diocese. If, however, the indulgences have been published at Rome, they need not be submitted to the Ordinary. C. 919. This holds only with regard to particular indulgences

granted to certain churches. In case of personal indulgences and the use of the faculties for blessing objects, the permission is only then necessary if it is mentioned in the document granting the faculties, as sometimes happens in the documents granting the faculties of attaching the papal indulgences to certain objects.

CHAPTER II.

Some Special Indulgences.

1. The Indulgence for the Dying.

The Indulgence of the Dying is gained at the moment when the soul leaves the body. Even though there be several titles for gaining this indulgence, it can by its very nature be gained only once.

1. *Benedictio apostolica in articulo mortis*: A plenary indulgence in the hour of death, bestowed by the priest.

a. The pastor, as also any other priest assisting the sick (also the priest who is not approved), has the faculty to give the Apostolic blessing with a plenary indulgence at the moment of death. C. 468. Rit. Rom., V. 6.

b. The *formula* prescribed by Benedict XIV must always be used, and that in Latin.

If the Apostolic blessing is given simultaneously to several persons, all the prayers should be said once, and that in the plural form. When administering the last rites, except in case of necessity, the priest should have the Confiteor recited three times: For the Viaticum, Extreme Unction, and the Apostolic blessing. In case of necessity the short formula is sufficient: *Ego, facultate mihi ab Apostolica Sede tributa, indulgentiam plenariam et remissionem omnium peccatorum tibi concedo et benedico te. In nomine Patris et Filii ✠ et Spiritus Sancti. Amen.*

c. The Apostolic blessing should be bestowed upon all the faithful in danger of death, also those who are unconscious, or in a delirium, or have lost

their mind; hence, not only on those whom the priest can give absolution and Extreme Unction, but also on those who are in danger of death on account of some *external* cause (not sick), (those condemned to death, soldiers before battle).

"Only those who are excommunicated and those who die in manifest mortal sin, this great grace must be denied." Rit. Rom.

d. For the gaining of this indulgence these conditions are required: The state of grace (confession), and the reception of Holy Communion if possible; the invocation of the Name of Jesus with the lips, or if this is impossible, at least in the heart; resignation to God's holy Will, accepting death as a penalty for one's sins and the sufferings of death as coming from the hand of God. The invocation of the Name of Jesus and resignation to the Will of God are *essential conditions* for the gaining of this indulgence. If these conditions were not fulfilled (for instance, on account of unconsciousness) when the Apostolic blessing was imparted, the only thing necessary is to supply them later on. Since this indulgence is gained in the hour of death, these conditions need be fulfilled only at the moment of death. The ejaculation: My Jesus, mercy, or, My Jesus, for Thee I live, for Thee I die, contains these two essential conditions.

e. This blessing can be given in every *real* danger of death, even though death should not ensue immediately. The priest should not postpone this blessing till the last hour. It is customary to connect the *Benedictio* with the administration of the last sacraments. Since this indulgence can be gained only once, and that in the hour of death, the *Benedictio* can be given only once in the same grave sickness, even though Extreme Unction may be repeated, if there be a new *periculum mortis*. Only in case the patient has entirely recovered and then relapses again into a new sickness, the Apostolic blessing is to be repeated. The fact that a person can gain a plenary indulgence in the hour of death under some other title, does not hinder the imparting

of the *Benedictio* by the priest. Beringer, I, pp. 395, 582.

2. *Under other titles*, a plenary indulgence can be gained in the hour of death, without the assistance of the priest, for instance, by those who oftentimes during their life have elicited the three Divine Virtues, or invoked the Name of Jesus; by the religious and the members of the Third Orders and of nearly all confraternities; by those who have on their person an object enriched with the papal indulgences, or kiss the so-called *toties-quoties* crucifix; finally by those who once in their life, after the worthy reception of Holy Communion, say this prayer: Domine Deus meus, jam nunc quodcumque mortis genus, prout Tibi placuerit, cum omnibus suis angoribus, poenis ac doloribus de manu Tua aequo ac libenti animo suscipio. My Lord and my God, already now I accept whatever kind of death, howsoever it shall please Thee, with all its anguishes, punishments and sufferings from Thy hand with a calm and cheerful mind. Beringer, I, p. 283.

2. Papal Blessing.

The papal blessing, which the Ordinary of the diocese can impart every year at Easter and on one other day, and the other bishops only once a year, has a plenary indulgence attached to it for those faithful who are present when it is imparted and have received the sacraments and pray for the intention of the Holy Father. On Easter, the Easter Communion is sufficient. C. 914.

Secular and religious priests can obtain the delegated power of imparting the papal blessing.

The papal blessing must be imparted according to the formula of the Rit. Rom., Tit. VIII, c. 32.

Those who have the faculty to impart the papal blessing after a course of sermons (missions, retreats, etc.,) may use the short formula with the crucifix: Benedictio Dei omnipotentis Patris et Filii et Spiritus Sancti, descendat super vos et maneat semper. S. C. R., 11 Maji, 1911.

Regulars who have the privilege to give the papal blessing are not only obliged to observe the prescribed form, but cannot make use of their privilege except in their own churches and in the churches of the nuns and Tertiaries legitimately aggregated to their Order. They are not allowed to give it on the same day and in the same place on which and where the bishop imparts the papal blessing. C. 915. This restriction does not affect the imparting of the papal blessing to the faithful at the end of missions and retreats.

3. Indulgences Attached to Missions and Retreats.

1. THE MISSION CROSS. The S. Office, August 13, 1913, abrogates all the former regulations for the erection of the Mission Crosses at the end of missions and lays down the following regulations:

a. ERECTION AND BLESSING:

The mission cross must be made of solid material, must have a specified place with a solid base or must be attached to a wall in some way (*determinato loco adhaereat vel basi firmiter sustentetur*), and must be blessed by a missionary who has preached the mission sermons. The consent of the bishop is required. In case the mission cross becomes worn out or is destroyed it may, with the permission of the bishop, be replaced by another cross. The indulgences of the mission cross are of a local character.

A special formula for the blessing of the mission cross is not prescribed. The formula mentioned in the Ritual for the blessing of crucifixes may be used.

b. INDULGENCES:

1. A plenary indulgence can be gained on the day of the erection (blessing), on the anniversary of the erection, on the feasts of the holy Cross (May 3, September 14), or on one of the seven days following these feasts.

CONDITIONS: Confession, Communion, visit of a church and the mission cross, prayer for the intention of the Holy Father. If the mission cross is in the church, the visits may be combined.

2. A partial indulgence of five years and five quadragesimas can be gained once a day by the faithful who by any outward sign of devotion salute the mission cross and say one Our Father, Hail Mary, and Glory, in memory of the Passion of the Lord.

2. THE RENEWAL OF THE BAPTISMAL VOWS.

Those who at the end of a mission solemnly renew their baptismal vows in the customary manner can gain a plenary indulgence.

CONDITIONS: Confession, Communion, prayer for the intention of the Holy Father. This indulgence can be gained at any solemn renewal of the baptismal vows. S. C. Indulg., February 27, 1907.

3. THE PAPAL BLESSING.

The religious generally have obtained the faculty at the end of missions and retreats to impart the papal blessing with a crucifix by means of which the faithful can gain a plenary indulgence. Thus the Benedictines, Dominicans, Franciscans, Capuchins, Conventuals, Jesuits, Redemptorists, Passionists.

In addition to the reception of confession and Communion, the faithful must attend at least five of the sermons and instructions. This last condition is not required for the missions and retreats given by the Jesuits and Redemptorists.

The permission of the Ordinary to conduct a mission (retreat) is necessary for the valid imparting of the Papal Blessing, even though the missionary (retreat-master) has the ordinary faculties of the diocese. Mocchegiani, Coll. Ind., p. 669.

4. For *attending* at the mission or retreats a plenary indulgence can be gained by the faithful.

For the missions and retreats of the Franciscans, Capuchins, Conventuals, Jesuits, and the Redemp-

torists the faithful must attend at least five sermons; for the missions of the Dominicans, Benedictines, Oblates, they must attend at least one half of the sermons. Confession, Communion, visit to the church are also required.

4. Toties-quoties Indulgences.

A. PORTIUNCULA INDULGENCE, August 2 (12 o'clock noon of August 1 till midnight of August 2).

By a special decree of July 10, 1924, the S. Penitentiary revoked all the privileges which were granted *ad tempus* or *ad beneplacitum* for the gaining of the Portiuncula Indulgence.

The privileges given *in perpetuum* remain in force, however, with the provision that the rules laid down in the said decree for the gaining of the indulgence be also observed.

1. The *perpetual privileges* of the various branches of the Order of St. Francis are:

a. ALL THE FAITHFUL can gain the Portiuncula indulgence in the churches and public chapels:

aa. Of the Friars Minor, Conventuals, Capuchins, and Regular Tertiaries;

bb. Of the Poor Clares, Nuns of the Third Order having solemn vows;

cc. Of the religious Tertiaries of St. Francis having simple vows (both men and women), legitimately aggregated to the First Order.

dd. Of the secular Tertiaries of St. Francis, if the church (chapel) actually belongs to them, not if the Third Order is only canonically established there.

b. The *religious Tertiaries* of either sex who have simple vows and who are legitimately aggregated to the First Order can gain the Portiuncula indulgence also in their semi-public chapels, provided they have no churches or public oratories. However, this privilege holds only for the brothers and sisters and those who live in their institutions.

c. The *secular Tertiaries* can furthermore gain the Portiuncula indulgence:

aa. In the churches or public oratories in which the Third Order is canonically established;

bb. In their parish church, if in the place where they live, there is no church, public oratory of the Third Order of St. Francis, nor any other church which enjoys the

privilege of the Portiuncula indulgence, or in which the Third Order is canonically established;

cc. In the chapels (semi-public) of colleges, hospitals and other suchlike institutions, the tertiaries who live in these institutions, if they are legitimately prevented from visiting a church of the Order, Third Order, or their parish church.

2. New concessions will be made only:

a. On the recommendation of the Ordinary of the place;

b. If the church is at least two miles distant from any church that enjoys the privilege of the Portiuncula;

c. To a semi-public oratory only for the members of the community.

3. The Ordinary, the pastor, or the rector of a church, or chapel, can, for just causes, in case the second of August does not fall on a Sunday, transfer the privilege of the Portiuncula indulgence to the following Sunday.

One and the same person can gain the Portiuncula indulgence on both days, on the feast in the one privileged church where the indulgence is not transferred, and on the following Sunday in another where it is legitimately transferred. A. A. S., 1930, p. 43.

4. During the time appointed for the gaining of the Portiuncula indulgence, a relic or a picture or a statue of St. Francis or of the Blessed Virgin of the Angels should be exposed for public veneration; furthermore, public devotions with prayers for the intention of the Holy Father, invocation of the Blessed Virgin and St. Francis, the Litany of All Saints, Benediction of the Blessed Sacrament should be held.

The pastor or the rector of the privileged church or oratory is obliged to carry out these provisions of this section. But the omission of some or even all of these devotions would not invalidate the indulgence. Ecclesiastical Review, July, 1929.

5. Conditions for gaining the Portiuncula indulgence are for all in the future, in addition to confession and Holy Communion (on one of the seven days following the "dies designata" sufficient A. O. Min., 1928, p. 117), a visit to a church or chapel

which enjoys the privilege and the recitation of at least six Our Fathers, Hail Marys, and Glory be to the Father for the intention of the Holy Father at every visit. The six Our Fathers, etc., are essential. Hence, a prayer of equivalent length may not be substituted. A. A. S., 1930, p. 43. See p. 119, n. 2.

The "dies designata" evidently refers to the Sunday to which the Portiuncula is transferred. Otherwise the decision would be superfluous, since C. 931 declares the confession and Communion received on one of the seven days following the feastday with which an indulgence is connected sufficient. Hence, if the Portiuncula has been transferred to the Sunday following August 2, confession and Communion may be received on one of the seven days following that Sunday.

B. ALL SOULS' DAY (November 2, or 3, if the Office is transferred. S. Office, December 16, 1916).

On All Souls' Day the faithful can gain a plenary indulgence, but only for the Suffering Souls, as often as they visit a church, public or semi-public oratory, and pray for the intention of the Holy Father. A. A. S., 1914, p. 378. See p. 119, n. 2.

In semi-public oratories only the inmates of the institutions can gain the indulgence. *Collectio Precum Piorumque Operum*, 1929, p. 255. Six Our Fathers, Hail Marys and Glory be to the Father are prescribed for every visit. Confession and Communion are required as usual. Confession may be made from October 25 to November 9, inclusively; Communion may be received from November 1 to 9, inclusively.

C. A plenary toties-quoties indulgence for the recitation of the Rosary in the presence of the Blessed Sacrament. Coll., p. 149.

All the faithful who in a church or oratory in which the Blessed Sacrament is *reserved*, contritely recite five decades of the Rosary, can, every time they do this, gain a plenary indulgence. The Blessed Sacrament need not be exposed. Conditions: Confession and Communion. Prayer for the intention of the Holy Father is not required.

No Rosary is necessary to gain this indulgence. Vermeersch (*Periodica*, 1927, p. 127). But to gain the other indulgences attached to the Rosary, a Rosary blessed by a Dominican Father or any other priest that has the faculty to bless it, is required. Coll. *Precum Piorumque Operum*, n. 170, 2.

5. Indulgences for First Mass and First Holy Communion.

The *newly ordained priest* can gain a plenary indulgence *on the day of his first holy Mass*. Visit to the church and prayers for the intention of the Holy Father are prescribed. The relatives (consanguines) within the third degree can gain a plenary indulgence if they assist at the first Mass, confess, and receive Holy Communion and pray for the intention of the Holy Father; all the faithful who assist at the first Mass can gain an indulgence of seven years and seven quadragesimes if they pray for the intention of the Holy Father.

Those who receive Holy Communion for the first time and all the faithful that assist at the ceremonies of the First Holy Communion can gain a plenary indulgence, under the same conditions as mentioned above. *Collectio Precum Piorumque Operum*, 1929, p. 42.

Furthermore, the faithful who assist at this celebration with a contrite heart can gain an indulgence of seven years and seven quadragesimes.

N. B.—Priests and faithful who during Mass recommend to God those who are in their last agony and those who will die on the same day, can every time gain an indulgence of one hundred days. Berlinger, I, p. 314. For every visit to the Blessed Sacrament an indulgence of three hundred days can be gained. S. Poenit., June 15, 1923.

6. Indulgences Granted to Religious.

I. The principal indulgences are mentioned here, which by the Breve of Paul V of May 23, 1606, were granted all the Orders (regulares et moniales, also novices, C. 567).

A plenary indulgence is granted:

1. On the day of their reception and profession (Confession, Communion).

2. On the principal feasts of the Order (Confession, Communion).

3. In the hour of death.
4. The religious priests on the day of their first holy Mass, as well as the religious who attend it. (Confession, Communion.)
5. For the retreats of ten days. (Confession, Communion.)

For O. F. M.: Indulg. plenaria pro iis qui per decem dies, vel aliquo interveniente legitimo impedimento a Superioribus dignoscendo, saltem per tres dies ab aliorum conversatione separati, ss. spiritualibus exercitiis (piis lectionibus, meditationibus, orationibus vocalibus) saltem per duas horas cotidie operam dederint, dummodo confessi S. Communionem sumpserint. Summarium O. M. Cap., I, A, 6.

6. Missionaries for pagan countries on the day of their departure, and on the day of their arrival at their destination. (Confession, Communion.)
7. The indulgences of the Stations of the Holy Places in their own churches, on the days specified in the Missal.

The indulgences of the Stations are four plenary indulgences (Christmas, Maundy Thursday, Easter, Ascension); on the other days, partial indulgences. Instead of making the prescribed visits to the church for the gaining of the indulgences of the Stations, the Capuchins (Summarium I, B), and hence also the Friars Minor and the Conventuals since October 4, 1909, can recite the Psalm "Exaudiat", with versicles and orations. Since this is not the granting of an indulgence, but of an indult, it does not hold for the tertiaries. Indulgences have not been granted for the Psalm "Exaudiat". Beringer-Hilgers (14), II, p. 488.

Partial Indulgences:

1. Sixty years and sixty quadrages for a half hour's meditation daily. Communion on the last Sunday of the month.
2. Five years and five quadrages for five Paters and Aves at the altar of their church. When traveling, at any altar.
3. Three years and three quadrages by the confession of faults in the chapter of faults.

II. In addition to this, the churches of the religious have a number of local indulgences for the faithful.

In the churches of nuns, the indulgences of the churches of the regulars with whom they are affiliated can be gained, even though these nuns are not subject to the superiors of the regulars, but to the bishop.

The congregations with simple vows generally also have the same indulgences as are granted to the Order with which they are affiliated.

In particular, all the communities of Tertiaries having only the simple vows enjoy the same indulgences as the First and the Second Order, both personal and local, if they are legitimately aggregated to the First Order.

Pius X extended the privileges of the indulgences of the churches also to the semi-public oratories (chapels of religious houses) of the Tertiaries as also to those institutions which have been given over to their charge, if there is no church or public oratory, but only in favor of the Tertiaries and those who lead a common life with them.

III. Statio SS. Sacramenti.

For many Orders, for instance, Friars Minor, Theatines, there is the grant of the *Statio SS. Sacramenti*, namely five Paters, Aves, Glorias for the Church, and one Pater, Ave, Gloria for the intention of the Holy Father. Originally the *Statio* had to be recited at the altar of the Blessed Sacrament. This condition is no longer binding.

To the *Statio* are attached those indulgences which can be gained by visiting the seven Station Churches of Rome, of the Basilica of Portiuncula, the Holy Places of Jerusalem, and the Church of St. James in Compostella, which indulgences can be gained on the respective days. Those who enjoy the privilege of the *Statio SS. Sacramenti* can gain a partial indulgence of ten years, every time they recite, with a contrite heart, six Our Fathers, Hail Marys, and Glories for the intention of the Holy

Father. Those who perform this holy exercise once daily for an entire month can gain a plenary indulgence. Confession and Communion are required. All other privileges have been abrogated. A. A. S., 1933, p. 254.

All the faithful who visit the Blessed Sacrament and say with a contrite heart five Our Fathers, Hail Marys and Glories, and also one Our Father, Hail Mary and Glory for the intention of the Holy Father, gain for each visit an indulgence of ten years, and a plenary indulgence once a week for visits made every day, under the usual conditions of Confession and Holy Communion. A. A. S., 1932, July, p. 231.

IV. General Absolution.

1. With the General Absolution a plenary indulgence is connected, which can be gained under the ordinary conditions (confession, Communion, prayer for the intention of the Holy Father). It is imparted under the form of absolution by a priest.

For the imparting of the General Absolution for the regulars and nuns (*moniales*) the formula: *Ne reminiscaris* has been prescribed by Leo XIII, July 7, 1882. Every other formula has been abrogated. At least that part which contains the Absolution is prescribed *ad valorem actus*. The words (*Exc.*) *majoris vel minoris* are to be omitted. S. R. C., June 7, 1919. In case of the *moniales* or other lay religious the word "suspensionis" should also be omitted. That confession, Communion, and prayer for the intention of the Holy Father are necessary for the gaining of the plenary indulgence attached to the General Absolution, can, according to the wording of the newer indults, no longer be doubted. See Summ. Indulg. O. F. M. Cap., A, 14. Breve, March 28, 1903, for O. S. B. The Rit. Rom.-Seraph. prescribes one Pater, Ave, Gloria for the intention of the Holy Father.—The formula "*Ne reminiscaris*" must also be used when the General Absolution is imparted to the religious of the Third Order legitimately aggregated to the First Order. S. C. Indulg., November 11, 1903. Contrary to the teaching of some of the older authors,

S. C. Indulg., August 22, 1906, declared, for instance, for the Franciscans, Capuchins, Benedictines, that this plenary indulgence can be gained not only for the Suffering Souls, but also *pro vivis*, i.e., by the religious for themselves. With regard to the extent of the absolution of censures, etc., expressed in the General Absolution, nothing definite can be stated. Mocchegiani, l. c., p. 626.

2. Various regulations and practices obtain in the different Orders for the imparting of the General Absolution. For the Order of Friars Minor mark the following:

a. *By virtue of direct concession*, the General Absolution can be imparted on the feasts of the Lord: Christmas, New Year, Epiphany, Easter, Ascension, Pentecost, Holy Trinity, Corpus Christi, the feast of the Stations of the Cross (First Friday of March), and on every day of Holy Week; on the feasts of the Blessed Virgin: Candlemas, Annunciation, Visitation, Assumption, Nativity, Presentation (November 21), Immaculate Conception, Seven Joys (August 22); on the feasts of SS. Peter and Paul, St. Francis, St. Clare, St. Catherine (November 25), All Saints' Day; at the end of the canonical visitation, and on four other days of each year.

In addition to the days mentioned, the General Absolution can be imparted on the days for which it has been directly granted to the members of the Third Order. Breve, May 17, 1909.

b. For the imparting of the General Absolution to the religious of the three Orders, the formula *Ne reminiscaris* must always be used, even on the days when they can receive it by virtue of communication of indulgences with the secular Tertiaries; on the contrary, for the secular Tertiaries the formula *Intret* must always be used, even on the days on which they can receive the General Absolution by virtue of the communication of indulgences with the First Order. S. R. C., June 9, 1919.

Whenever the General Absolution is imparted after the sacramental absolution, the confessor may

use the short formula: *Auctoritate a Summis Pontificibus mihi concessa plenariam omnium peccatorum tuorum indulgentiam tibi impertior. In nomine Patris et Filii et Spiritus Sancti. Amen.* S. R. C., March 22, 1905.

c. The General Absolution can be imparted to the community as such publicly and also to the individuals privately on the day itself as also on the entire day preceding. S. C. Ind., August 25, 1895.

Those religious who are legitimately prevented from receiving the General Absolution on the appointed days (*impedimento legitimo a superiore dignoscendo*), can receive it on one of the seven days immediately following. *Summarium Indulg.* O. M. Cap., D. 4.

d. It is the office of the superior to impart the General Absolution to his community, and with his permission, any other religious priest can also impart it. The general permission is sufficient, for instance, where it is customary, that in the absence of the superior, the senior priest imparts it. For the imparting of General Absolution after confession, no special permission is required.

The confessor or any other priest appointed by his superior (provincial or bishop) can impart the General Absolution to the nuns (*moniales*). The sick nuns can receive the General Absolution within the octave of the feast on that day on which the confessor enters the enclosure in order to hear their confessions. S. C. Indulg., May 21, 1892.

The religious of the Third Order (brothers and sisters) receive the General Absolution as a community publicly from the confessor (*ordinarius vel extraordinarius*). Other priests, also the priests of the First Order, need the faculty of the bishop to whom these religious are subject, not of the regular superior. However, for these religious the indult of December 15, 1910, also obtains, according to which, in the case of absence of the authorized priest, any priest, whether secular or regular, having the ordinary faculties of the diocese, can also impart

the General Absolution to the community. Any confessor who lawfully hears the confessions of these religious can also impart to them the General Absolution in the confessional.

The superior, or his delegate, who imparts the General Absolution to his community himself receives the General Absolution. S. C. Indulg., February 1, 1905.

The religious of the First, Second, or Third Order gain the plenary indulgence also if they are present at the public imparting of the General Absolution for the secular Tertiaries at which the formula *Intret* is used. The same holds for the secular Tertiaries who are present when the General Absolution is given to the members of the Three Orders with the formula *Ne reminiscaris*. The condition: *supposito quod ea die commode recipere amplius non possunt Abs. formula Ne rem. et viceversa*, certainly bears a liberal interpretation. *Acta O. Min.*, 1923, p. 24.

N. B.—Further deductions made by some authors on this subject are not admissible, since among the Three Orders of St. Francis only the communication of the indulgences exists: communication of the indults and privileges only among the three branches of the First Order.

V. *Concessions made to the sick of the Order of Friars Minor with regard to indulgences:*

a. The Friars Minor who “*ex causis senectutis, infirmitatis ac imbecillitatis in valetudinariis morantur*”, can gain all the indulgences granted to Franciscan churches if they visit the chapel of the sick-room and fulfill the other prescribed conditions. (*Mon. sel. jur. reg.*, p. 186.) The same privilege holds for those who have to stay with the sick. *Summar. Indulg.*, n. 54.

b. The *Summarium Indulg.* O. F. M., n. 4, contains another indult for the sick and convalescent and decrepit brethren who cannot well visit the church. These can gain all the indulgences for

which a visit to the church is required, in their cell or in the sick-room if they say five Our Fathers and five Hail Marys, and, in addition, say the ordinary prayers for the intention of the Holy Father, and fulfill the other conditions prescribed for the gaining of the indulgences.

c. Religiosi qui ita graviter decumbunt ut e lecto surgere et ad ecclesiam se conferre non valeant, easdem indulgentias lucrari possunt, peragendo opera injuncta pro ipsorum statu possibilita, vel ea supplendo per alia, in quae a Superiore vel a confessario commutabuntur. O. M. Cap., D. 3.

7. Indulgence Attached to the Divine Office.

In order to increase the devotion of the clergy for the Most August Sacrament of the Eucharist, the S. Penitentiary, October 23, 1930, granted a plenary indulgence, to be gained under the ordinary conditions, to clerics in sacred Orders, who say the entire office, though divided into parts, in the presence of the Blessed Sacrament, whether publicly exposed or reserved in the tabernacle. A. A. S., 1930, p. 493. December 5, 1930, this privilege was extended to the nuns and sisters who are obliged by their constitutions to the daily recitation of the Divine Office, in the same form and under the same conditions. A. A. S., 1931, p. 23. Those who are obliged to say the Divine Office, if they say only a part of the Office in the presence of the Blessed Sacrament, gain an indulgence of fifty days. A. A. S., 1933, p. 322. Clerics who legitimately recite other prayers instead of the Divine Office in the presence of the Blessed Sacrament can also gain a plenary indulgence. A. A. S., 1932, p. 411.

8. The Forty Hours' Devotion.

A plenary indulgence is granted once a day to those who during the Forty Hours, held according to the proper form or *ad instar*, visit the Blessed Sacrament publicly exposed, and recite five Our Fathers, Hail

Marys and Glories, and add one Our Father, Hail Mary and Glory for the intention of the Holy Father. Confession and Communion are required. Those who make a visit to the Blessed Sacrament publicly exposed with a contrite heart can, at every visit, during the Forty Hours, gain an indulgence of fifteen years. A. A. S., 1933, p. 382.

9. The Holy Hour.

A plenary indulgence is granted to all those who assist at "The Holy Hour" for an entire hour. Conditions: Reception of the sacraments and prayer for the intention of the Holy Father. A partial indulgence of ten years is granted to those who, with a contrite heart, make the Holy Hour either privately or publicly. The Holy Hour may be made in any church or public oratory, by the inmates of a house or institution in their semi-public oratory. A. A. S., 1933, p. 172.

10. Eucharistic Processions.

Those who participate in "the Eucharistic Processions", whether they be held in the house of God or in public, can gain a plenary indulgence. Conditions: Confession, Communion, prayer for the intention of the Holy Father. A. A. S., 1933, p. 479.

11. The Angelus.

All the faithful who at the sign of the "Angelus bells", as prescribed by Benedict XIII, or as soon as possible afterwards, recite the "Angelus Domini" with the prescribed Oration, or during Easter time "Regina Coeli" with the prescribed Oration, or finally five times the angelical salutation "Hail Mary", every time they perform this pious exercise with a contrite heart gain an indulgence of ten years, and if they do this for an entire month, they gain a plenary indulgence. A. A. S., 1933, p. 72.

In those places in which the "Angelus bell" is not rung, the faithful can gain the indulgences provided they recite

the prescribed prayers at the prescribed time. Pius VI, March 18, 1781. The same also holds with regard to the three last days of Holy Week. Acta Ord. Min., 1887, p. 162. The "Angelus" must be said kneeling. But from the Vespers on Saturday to the end of Sunday (Benedict XIV, April 20, 1742), at noon on Saturdays during Lent as also at noon on the Saturday before Trinity Sunday, it must be said standing. Leo XIII, April 3, 1884. Those who, for some reasonable cause are hindered from kneeling, can nevertheless gain the indulgences. Leo XIII, April 3, 1884. During Easter time, beginning with noon of Holy Saturday, the Antiphon "Regina Coeli" with the prescribed versicle and Oration must be said standing. Benedict XIV, April 20, 1742.

CHAPTER III.

Objects To Which Indulgences Can Be Attached.

I. *Objects in General.*

Holy Church permits that to certain objects indulgences be attached by means of a special blessing. Such objects are rosaries (rosarium B. M. V. coronae), crosses, crucifixes, medals, small statues, pictures, and scapulars.

In order that such objects can be enriched with indulgences, the following conditions prescribed by the Church must be observed:

1. THE MATERIAL AND FORM PRESCRIBED BY THE CHURCH.

For the validity of the blessing, the object must be of *durable material*. Hence any material that is easily broken, worn off, or destroyed, is not permissible: such as, pictures printed or painted on paper or canvas; crosses, statues, medals made of zinc, lead, plaster. Pearl, mother-of-pearl, marble, iron, aluminum, and other hard metals may be used; for the beads of rosaries, even hard glass. S. Poenit., December 21, 1925.

Medals and statues must represent canonized saints or at least those whose names are contained in approved Martyrologies. Medals must bear the image of such saints at least on the one side, whilst

on the other side may be represented the image of a blessed, a church, a renowned personage, such as that of the pope, etc.

On crucifixes the indulgences are attached to the *corpus*; on rosaries, to the beads. Only for these the above regulations hold.

2. FACULTIES TO BLESS THESE OBJECTS.

The faculty to bless these objects can be obtained directly from the S. Penitentiary, or through the bishop, to whom the faculties may be reserved, or by the membership in certain confraternities.

Jurisdiction to hear confession is ordinarily not required for the use of these faculties. In general, the exact wording and limitations of these faculties must be observed.

If the faculties have been directly procured in Rome, the consent of the Ordinary is, as a rule, not required. Only in the case of the papal indulgences, the clause "de consensu Ordinarii loci" is sometimes added. The consent of the Ordinary in whose diocese such faculties are used is necessary for their *lawful*, not for their *valid*, exercise. Express consent is demanded; however, tacit or implied consent, in urgent cases, even the presumed consent, is sufficient. Religious may use these faculties within the monastery with the consent of their superiors.

Also other clauses which have been perchance added, must be observed. He who has permission to use certain faculties only *privately*, should not exercise them publicly in presence of a congregation who present their articles for blessing. He who has the faculties in general to bless certain objects can also use them for himself. Beringer, I, p. 398.

A reserved benediction given by a priest without the necessary faculty is illicit, but valid, unless in the reservation the Holy See expressly states that it cannot validly be given except by those to whom it is reserved or by those who have special faculties. C. 1147, section 3. For the enriching of objects with indulgences, this regulation does not hold. In this latter case faculties are necessary for the validity of the act.

3. THE PRESCRIBED BLESSING.

In the case of some objects a special formula must be used for the blessing, for instance, for the Dominican Rosary. If this formula is not used, at least essentially, the blessing is invalid. Being a liturgical act, the formula used for the blessing must be in Latin *sub poena nullitatis*. C. 1148.

If no formula is prescribed, the blessing is made "in forma ecclesiae consueta", that is, "unico crucis signo." No formula is required, nor the sprinkling with holy water.

However, when these blessings are given *publicly*, the priest should adhere to the ceremonial customary for the administration of sacramentals: surplice and stole (at least for secular priests), holy water, and a general formula of the Ritual.

To the *same object* various indulgences can be attached, if only it is suitable for them. Thus, for instance, to one and the same rosary of five decades the Dominican, Crosier, and papal indulgences can be attached, not, however, those of the seven decades of the Sorrowful Mother. Thus also the papal indulgences, but not the Crosier and Dominican indulgences, can be attached to the crown of the Seven Joys.

The priest need not see the objects that are to be blessed. These objects need be *only morally present*, for instance, in the same church in which the faithful are having their objects blessed, even though not exposed for blessing.

A priest who has faculties to bless various objects for each one of which the sign of the cross without a special formula is sufficient, can attach all these various blessings to the objects *with one sign of the cross*. He need not repeat the sign of the cross for each blessing, even though the objects to be blessed are of a different nature. Hence it is sufficient to make one sign of the cross over rosaries, crucifixes and statues for the purpose of attaching to the rosaries the Crosier indulgence, to the crucifixes the indulgences of the Stations of the Cross, and to all

these objects the papal indulgences. An exception is made with regard to the scapular medal. See below.

4. THE FULFILLMENT OF THE CONDITIONS PRESCRIBED FOR THE GAINING OF THE INDULGENCES. For instance, the wearing of the blessed object, prayer in presence of the object, and so on. To gain the indulgences of a different nature attached to the same object, the specified conditions must be repeated. Only in special cases the cumulation of indulgences has been permitted.

5. LOSS OF THE INDULGENCES ATTACHED TO CERTAIN OBJECTS.

Indulgences attached to prayer beads and other religious objects, cease only if the beads or other blessed articles *cease to exist, or are sold*. C. 924.

A rosary may be chained anew (also for pay), even though some few missing beads are substituted, or the order of beads changed; the corpus may be transferred from one cross to another. The indulgences are no longer *personal*, but *reales*, that is, attached to the object itself. Hence, blessed objects may be given away, lent, or bequeathed without losing the indulgences; they may be used by everybody, not only the owner, for the gaining of indulgences. This holds also with regard to the objects enriched with the papal indulgences (indulgences of the dying). By the sale of blessed objects, not by accepting an alms on occasion of blessing them, the indulgences are lost.

If medals are worn off to such an extent that the image is no longer distinguishable, the indulgences cease.

II. Objects in Particular.

1. SCAPULARS.

The older scapulars are imitations of the habits of religious orders and hence have some relation to the respective Orders. The later scapulars are only imitations of the older scapulars as special signs of veneration and devotion, without reference to any particular Order. There are in all sixteen approved scapulars. The most ordinary scapulars are: The white (of the Most Holy Trinity—Trinitarians), the red (of the Passion—Lazarists), the brown (Mount Carmel—Carmelites), the black (of the Seven

Dolors of Mary—Servites), the blue (of the Immaculate Conception of Mary—Theatines). These scapulars are ordinarily worn together as the four or five-fold scapulars.

To gain the indulgences attached to the scapulars, are required:

1. MATERIAL AND FORM. The scapulars must be of woven wool material having the respective color. The white scapular has in the middle the red-blue Cross of the Trinitarians; the black has on the one side the image of the Crucified, on the other the image of the two Sacred Hearts. The form must be square. The connecting bands may be of any material and color; only for the scapular of the Passion they must be red. If the scapular of the Passion is worn in connection with the others, the bands must be red.

If several scapulars are worn together, the individual scapular must be distinguishable; hence, they may not be sewed together on all sides. Only on one side they may be sewed together and sewed to the common connecting bands. To protect the scapulars from sweat, they may be put in a cover.

2. BLESSING AND IMPOSITION OF THE SCAPULARS. The scapulars are blessed and imposed *by the same authorized priest*. Faculties must be obtained from the superiors of the respective Orders. The imposition of the scapulars may take place anywhere, but in person by the priest, not by sending the scapular. The scapular must be blessed by means of the prescribed formula. That part of the formula which contains the blessing (reception into the confraternity of the scapular) and the imposition are essential.

For the *simultaneous blessing and imposition* of the fivefold scapular, the *Rituale Romanum* contains a collective formula, which, however, can be used only by virtue of special faculty. The blessing by means of the short formula would, however, be valid, since it contains everything essential.

The *imposition* of the scapular is effected by laying it around the neck or on one shoulder. The

scapular by means of which a person is received must be blessed. It is permissible to receive several persons with the same blessed scapular; however, the first scapular that a person wears must be blessed. Once a person is enrolled and gets a new scapular, this scapular need not be blessed.

The formula for the enrollment as well as for the blessing (reception into the confraternity) may be used in the plural form if several persons are to be enrolled at the same time, and the enrollment may take place before or after. For the several-fold scapulars one enrollment is sufficient. Also children who have not yet arrived at the years of discretion can be enrolled in the scapular. The priest who has the faculties of enrolling others, can also enroll himself. Beringer, I, p. 471.

Since with the enrollment in the scapulars of the Most Holy Trinity, the Seven Dolors, and Mount Carmel, the reception into the confraternity is connected, it is obligatory to have the names of those who have been enrolled inscribed in the register of a canonically established confraternity. The priest should keep a private register in which he records the names of those enrolled by him, and from time to time, perhaps once a year, send the names to the respective Generals in Rome or to another place where there is a canonically established confraternity. The indulgences are gained from the day on which a person has been enrolled. The recording of the names in a canonically established confraternity is necessary for the valid reception. C. 694, 2. Beringer, II, p. 49. However, the Holy See sometimes grants a dispensation from this obligation to missionaries when receiving a large number at the same time, also for missionary countries, etc.

3. MANNER IN WHICH THE SCAPULAR SHOULD BE WORN.

The scapular must be worn like the habit of the Order it represents, so that one part hang down upon the breast and the other down upon the back. It may be worn on or under the clothes. Except in

case of special privilege, it cannot be substituted for the religious by the habit they wear.

Sanatio of the invalid enrollments in the scapular is granted from time to time, every five or ten years.

The scapular of the Heart of Jesus was approved April 4, 1900. The faculty to bless it (a special formula is required) can be obtained from the General of the Oblati M. I. Roma, Via della Polveriera 2 H, or from the director of the Confraternity of the Most Sacred Heart, Roma, S. Maria della Pace. This scapular is made of white wool material. The one side bears the image of the Most Sacred Heart and the other the image of the Blessed Virgin under the title of "Mother of Mercy".

The Order of Friars Minor has the following privileges with regard to the scapulars:

Tempore missionum et spiritualium exercitiorum Religiosi Ordinis, qui facultate pollent benedicendi s. scapularia eaque imponendi, hanc benedictionem e suggestu peragere valent, formula in numero plurali praetermissaque impositione scapularium (quae sibi quisque fidelium imponet) necnon nominum inscriptione atque eorumdem ad respectivam confraternitatem transmissione. Summ. O. M. Cap., C. B. 1.

Fratres Minores concionatores qui facultatem habuerint quatuor sacra scapularia sub unica formula benedicendi eaque imponendi, benedictionem e suggestu peragere valent, adhibita formula in numero plurali praetermissaque impositione scapularium (quae sibi quisque fidelium imponet) necnon nominum inscriptione atque eorumdem ad respectivas confraternitates transmissione. A. O. Min., 1906, p. 341.

The latest edition of the *Rituale Romanum* no longer demands a separate blessing for the scapular of Mount Carmel. It contains one collective formula for the blessing of the fivefold scapular. Hence, he who formerly had the faculty to bless the fourfold scapular *sub unica formula*, may now use this new formula for the blessing of the fivefold scapular *per modum unius*. For the Order of Friars Minor, this concession has been made explicitly. S. C. R., May 23, 1917. Acta Ord. Min., 1917, p. 153.

The Scapular Medal.

1. Instead of the scapular (III. Order scapular excepted), the faithful may wear *medals* and gain all the indulgences and privileges granted to the scapulars. Only such medals can be blessed as scapular medals as bear on the one side the image of the Savior with His Most Sacred Heart (persona Christi cor suum ostendens), and on the other the image of the Mother of God. These medals may be worn with a string around the neck, or in the pocket, or sewed in the clothes (super propriam personam). It also seems necessary to wear the scapular medal at night. Beringer, I, p. 478.

The medal can be blessed by any priest who has the faculties to bless the respective scapulars. A simple sign of the cross is sufficient for this blessing, which must, however, be repeated for every scapular represented by it. He who has the faculties to bless the fivefold scapular with one formula must nevertheless make the sign of the cross five times over the medal. It is not required that one and the same priest bless both the scapulars and the medals.

The blessing of the scapular medals may also take place publicly in church; it is not, however, necessary that the medals be visible. A large number of the scapular medals may be blessed at once, to be distributed to various persons later on. It is not necessary that these medals be specified for determined persons, or that those for whom the medals are intended have already been enrolled in the scapular. However, a blessed scapular is necessary for the enrollment. A person that has been enrolled in a blessed scapular, when getting a new scapular, needs not have the new scapular blessed; a new scapular medal, on the contrary, does not substitute the old one, unless it is also blessed. S. Off., June 5, 1913.

Although Pius X made the above-mentioned concession, nevertheless he expressed the desire that the time-honored custom of wearing the scapulars made of wool material should be retained.

For the soldiers Pius X granted the concession that they partake of all the indulgences and privileges of the respective scapulars all the world over if they wear a blessed scapular medal, even though they have not been enrolled in the scapular and their names have not been inscribed in the register of a canonically established confraternity. This also holds after their time of service is over. Beringer, I, p. 479.

2. THE PAPAL INDULGENCES.

Soon after his coronation, the new pope approves and promulgates the list of papal indulgences. Thus also Pius XI (A. A. S., 1922, p. 143,) gave his approval of the papal indulgences, however, with far-reaching modifications caused by Canon Law. The Holy Father attaches these indulgences to objects which he blesses at the time of his audiences, unless he expressly declares otherwise. S. Off., June 12, 1913. Other priests can obtain the faculties of attaching the papal indulgences from the S. Penitentiary. With regard to the material of these objects the same holds as for the objects in general. To gain these indulgences, in addition to the ordinary conditions, it is required: *ut (rem benedictam) super se deferat aut in domo sua decenter retineat*. The papal indulgences can now also be gained together with the other indulgences that are attached to the same objects or the same good works. S. Poenit., June 14, 1922. Also the conditions that the priest who blesses these articles be approved for hearing confessions is, as a rule, no longer demanded. The blessing is given: *unico signo crucis*.

Among the papal indulgences is mentioned the following under n. 8: *Quisquis in mortis articulo constitutus, animam suam devote Deo commendaverit et juxta instr. fel. rec. Benedicti XIV Const. quae incipit Pia mater 5 Apr., 1747, paratum se exhibuerit obsequenti animo mortem a Deo opperiri, et vere poenitens, confessus ac S. Communionem refectus vel si id nequiverit, saltem contritus invocaverit corde, si labiis sit impeditus, Sanctissimum nomen Jesu, plenariam indulgentiam consequetur*. The priest who blesses the crucifixes for the dying should also attach to them the papal indulgences.

N. B.—Since also the papal indulgences are no longer personal, but *reales*, and hence the objects to which they have been attached, may be given away, lent, bequeathed, (A. A. S., 1922, p. 164,) the faculty of attaching the so-called *toties-quoties* indulgence to the crucifixes for the dying has little practical value any more. However, a small distinction is to be made: for the gaining of the indulgence of the dying by means of the objects to

which the papal indulgences are attached, it is necessary that the sick person "*super se deferat aut in domo sua decenter retineat*" the crucifix; whereas the condition for the gaining of the *toties-quoties* indulgence simply reads: "*qui aliquem ex hujusmodi Crucifixis osculatus fuerit vel quomodocumque tetigerit*." Hence, this last-mentioned crucifix need not remain with the dying person after he has kissed it.

With the faculties of attaching the papal indulgences to certain objects, as a rule, also the faculties of blessing the Briggittine rosaries are granted. The blessing is attached by the same sign of the cross with which the papal indulgences are attached, provided the corresponding intention be made.

Almost the same indulgences as the papal can be gained by those who use objects which have touched *the holy places of Palestine*. No special blessing is required.

3. THE ROSARIES (ROSARIUM B. M. V. ET CORONAE).

Technically, "Rosarium" means the Dominican Rosary. The other so-called "Rosaries" are *coronae*.

a. ROSARIUM B. M. V. The Dominican Rosary consists of five, ten, fifteen decades. Each decade consists of one Pater and ten Aves. The cross, etc., are not necessary. The meditation on the main mysteries of the Life, Passion, and Glorification of Christ is prescribed during the recitation of the respective decades.

The *prayers of the rosary* must be said on a blessed rosary, held in the hand, in the customary way. In the common recitation of the rosary, which may be done alternately, it is enough if one person (the leader) holds the blessed rosary in his hand. Those who participate in the common recitation of the rosary, may also perform light hand work whilst saying the rosary. The single decades may be separated; however, in order to gain the indulgences it is necessary that at least five decades be recited during one natural day. S. Off., June 8, 1908.

If on account of manual labor or any other reasonable cause the faithful are hindered from holding the Rosary in their hand according to the prescribed form, they can gain the indulgences attached to it provided that when saying the prescribed prayers they carry the Rosary in any manner on their person. A. A. S., 1933, p. 502.

The superiors of the Dominican Order have the faculties to bless this rosary. Since April 1, 1933, the Generals and the Provincials of the Dominican Order can no longer delegate this faculty to priests outside of the Order; but those priests who had received this delegation prior to April 1, 1933, can make use of it. A. A. S., 1933, p. 322. A special formula is required for the blessing.

The indulgences attached to the Dominican Rosary, granted by Benedict XIII (1726) and Pius IX (1851), are as follows:

1. One hundred days for each Pater and each Ave to those who shall recite every day at least five decades of the rosary;
2. A plenary indulgence once a year to those who shall recite every day at least five decades of the rosary;
3. Ten years and ten quarantines to those who join in a public recitation of the rosary.
4. A plenary indulgence on the 1st Sunday of every month (the usual conditions being complied with) to those who shall have recited at least five decades of the rosary for one month.

b. THE CROSIER ROSARY. CORONA CRUCIGERORUM. This rosary has the same form as the Dominican Rosary.

Mocchegiani, l. c. 281, is of the opinion that the Crosier Rosary indulgences can also be attached to the rosaries of seven or six decades. However, in the newer faculties for the blessing of rosaries these words are used: *Coronae quae formam Rosarii habent* or *Coronae a. S. Rosario*. But *rosarium* means the Dominican Rosary of five, ten, or fifteen decades.

Since April 1, 1933, the General of the Crosier Fathers can no longer delegate the faculty to bless the Crosier Rosary to priests outside of the Order, but those priests who had received this delegation prior to April 1, 1933, can still make use of it. A. A. S., 1933, p. 322. The blessing is attached in forma ecclesiae consueta (unico crucis signo).

To gain the Crosier Rosary indulgence (500 days for each Pater or Ave) no meditation is required. The indulgence is connected with every bead, even though the entire rosary is not said. If the indulgences of the Dominican Rosary and the Crosier Rosary are attached to the same beads, a person when reciting the Dominican Rosary can also gain the Crosier Rosary indulgence.

c. THE ROSARY OF THE SEVEN SORROWS OF MARY. CORONA 7. DOLORUM B. V. M.

The *corona* of the Seven Sorrows of Mary consists of seven decades, each having one Pater and seven Aves, and, in addition, three Aves in honor of the tears of the Mother of God. These *coronae* generally have seven medals, representing the Seven Sorrows of Mary. However, these medals are not essential; the ordinary beads are sufficient.

The faculties to bless the rosary of the Seven Sorrows can be obtained from the General of the Servites. They are also granted with the faculties of blessing and enrolling in the black scapular. A special formula is prescribed for the blessing of the *corona*.

Meditation on the mysteries is not prescribed. For the recitation of this corona in common, the concessions made for the recitation of the Dominican Rosary also hold. The decades may also be separated as long as they are said within one natural day.

d. THE FRANCISCAN ROSARY OF THE SEVEN JOYS. CORONA 7. GAUDIORUM.

This rosary consists of seven decades, each having one Pater and ten Aves, and in addition two Aves (seventy-two years of Mary's life) and one Pater and Ave for the intention of the Holy Father; hence the material rosary is composed of eight large and seventy-three small beads.

Since April 1, 1933, the Generals of the Orders of Friars Minor, Capuchins, Conventuals can only delegate the faculty to bless the Franciscan Rosary

to members of the Order; but those priests outside of these Orders who had received this delegation prior to April 1, 1933, can still use it. A. A. S., 1933, p. 322. The General of the Capuchins has delegated all the fathers of the Capuchin Order to bless this rosary. The blessing of this rosary is attached in *forma ecclesiae consueta*.

Meditation on the mysteries is not required. For the recitation of this rosary in common, the same concessions have been made as for the Dominican Rosary. The decades may also be said separately, provided they are said within one natural day.

The papal indulgences may also be attached to this rosary.

The following are the indulgences attached to this rosary:

1. For the members of the three Orders of St. Francis, including the Third Order Secular (Leo XIII), a plenary indulgence is granted each time they recite the Franciscan Crown. No beads are required. This plenary indulgence can be applied to the Souls in Purgatory.

2. All the faithful (also those belonging to one of the three Orders of St. Francis) must have rosaries specially blessed for the purpose in order to gain the indulgences listed below, which were granted by Pius X, September 15, 1905. In the *public recitation of the Crown*, however, in the churches of the three Orders, all who join in the prayers gain the plenary indulgence, whether they have blessed beads or not. Moreover, if two or more say this rosary in common (for instance, at family prayers), it suffices if the leader holds a blessed rosary in his hand (Pius X, September 12, 1906).

Plenary Indulgences. The faithful gain:

1. A plenary indulgence for taking part in the *public recitation* of the Crown in any church of the three Orders of St. Francis.

2. A plenary indulgence if, after confession and Communion (no other conditions), they recite the Franciscan Crown on the following days: Christmas (December 25), Epiphany (January 6), Sunday during the octave of Epiphany, Easter, Immaculate Conception (December 8), Annunciation (March 25), Purification (February 2), Visitation (July 2), Assumption (August 15), feast of the Seven Joys of the B. V. M. (August 22), Nativity of the B. V. M. (September 8).

3. A plenary indulgence once a month on any day after confession and Communion, if they say the Franciscan Crown every Saturday.

4. A plenary indulgence in the hour of death on the usual conditions if one has the rosary in his possession and has prayed it frequently.

Partial Indulgences. The faithful can gain a partial indulgence of:

1. Seventy years and seventy quarantines every time they say the Franciscan Crown on any day of the week except Saturday.

2. One hundred years every time they say it on any Saturday of the year.

3. Two hundred years when they say it on the holy-days of obligation.

4. 300 years when they say it on any feast of the B. V. not mentioned above for the plenary indulgences.

5. Ten years for every good work they perform for the honor of God or for the love of their neighbors, provided they carry the rosary about on their person and often recite it.

6. Ten years every time they say seven Aves in honor of the Seven Joys of the B. V., provided they carry the rosary about on their person and often recite it.

NOTE:—All these indulgences, except the one for the hour of death, can be applied to the Souls in Purgatory.

e. MEDAL OF ST. BENEDICT.

The medal of St. Benedict bears on the one side the image of St. Benedict, with crucifix and rule book, on the other, a larger cross and inscription. For those who wear this medal, holy Church implores a special protection against diabolic attacks.

The faculties to bless this medal is vested in every professed priest of the Benedictine Order. Since April 1, 1933, the faculty to bless the Medal of St. Benedict can no longer be delegated to priests outside of the Benedictine Order by the Abbots (*Praesides*). However, those priests outside of the Order who had obtained this delegation before April 1, 1933, can still use it. A. A. S., 1933, p. 322.

CHAPTER IV.

Stations of the Cross.

I. Regulations for the Erection of the Stations.

A. *Before the Erection of the Stations*, is required:

1. *Written petition* (not *ad valorem*) for the erection, directed to the competent authority, viz., to:

a. The Holy See (S. Penitentiary), if the Stations are to be erected in a private oratory which has not the privilege for celebrating Mass.

b. The General, Provincials, or local superiors (guardians, praesides) of the Order of Friars Minor for their respective territory, if the erection of the Stations is to take place in churches, chapels, private oratories in which Mass may be celebrated, and in other places which are not of an entirely private nature, for instance, cemeteries, mountain sides, corridors, places of religious houses assigned for general use, hospitals (not, however, cells, dormitories).

The superiors of the Capuchins and Conventuals do not possess this faculty. Only in their own houses can the Provincials of the Capuchins and Conventuals erect, and delegate the local superiors to erect, the Stations.

c. The bishops in as far as they have received faculties from the Holy See. Since April 1, 1933, the General of the Order of Friars Minor can no longer delegate this power to the bishops. However, the faculties obtained before April 1, 1933, remain in force. A. A. S., 1933, p. 322. The bishop can himself erect the Stations (C. 349, 1), observing the prescribed rite; however, he cannot, without special faculty, delegate others to erect the Stations.

The Provincials and local superiors can delegate only *their own subjects* who have the faculties to preach and hear confessions.

Since April 1, 1933, the General can delegate this faculty only to priests of the Order. However, the

faculties obtained by priests outside of the Order before April 1, 1933, remain in force. A. A. S., 1933, p. 322.

The Provincials and local superiors can exercise this power only in their respective territory. As their territory are to be considered those places to which they send their subjects to assist in the sacred ministry.

In the absence of the local superior, his legitimate representative, has the same power. Const. Gen. O. F. M., n. 579-582. Every delegation must be made *in writing* (*ad valorem*).

2. PERMISSION FOR THE ERECTION:

a. For every single Way of the Cross, and that *before* the erection, the *written consent of the Ordinary* (*ad valorem*).

For those places which are not subject to episcopal jurisdiction (churches, chapels, corridors of the houses of exempt religious) the permission of the bishop is not required.

b. *In writing*, before the erection, the *consent of the pastor of the place and the superior (superioress)* of the house, hospital, institution where the Stations are to be erected (*ad valorem*).

If the place is *de jure* exempt from the jurisdiction of the pastor (the houses of exempt nuns, seminaries), or has been withdrawn from his jurisdiction by the bishop (C. 464), the pastor need not be asked.

The consent of the pastor (superior, superioress) is contained in the written application for the erection of the Stations.

N. B.—The privilege to have the Stations in a private room is of a personal nature, and hence ceases with the death of him who occupied such a room. If the Stations are to be transferred to another house or room, a new canonical erection is necessary. New *written permission* of the bishop, not, however, of the pastor, is required. Beringer, I, p. 345.

B. Erection of the Stations.

a. FORM OF THE STATIONS. The Stations of the Way of the Cross consist of fourteen wooden crosses

(ad valorem), which must be fastened, with a space in between.

IRON CROSSES incasing wooden crosses are not sufficient. The space between the Stations must not be so short that the entire Way of the Cross can be made with just a few steps. Pictures representing the suffering of Christ are not essential for the Stations. Customarily, no corpus is attached to these crosses.

b. THE BLESSING. The blessing of the crosses is necessary for the validity. The blessing of the crosses alone is essential. To "go the Stations" in connection with the erection, though prescribed by the Roman Ritual, is not essential.

The priest who blesses the Stations must be morally present in the place where the Stations are to be erected. He cannot, for instance, bless the Stations in the parsonage, and then send them to the church where they are to be erected. In the houses of cloistered nuns it is sufficient to bless the crosses at the grates.

It is immaterial whether the blessing of the crosses takes place before or after they are attached to their place, whether they are attached by the priest who blesses them or by others, at the same time or later.

Several Ways of the Stations can be erected at the same place, or in the same church.

c. After the blessing and erection, the priest performing the ceremonies should sign a document attesting the canonical erection of the Stations. If the delegation of the Ordinary was given for the erection of the Stations, notification thereof should also be sent to him. The document attesting the erection of the Stations should be preserved in the archives (sacristy) of the church. However, these documents and their preservation are not prescribed *ad valorem*.

N. B.—December 22, 1932, the invalid erections of the Stations were validated by the S. Penitentiary. Such a validation seems to have reference only to the blessing, prescribed formalities and documents.

Other defects, for instance, iron crosses, must be remedied by the substitution of wooden crosses, unless a special validation for such a defect be also obtained in Rome.

d. CESSATION OF THE INDULGENCES OF THE STATIONS:

1. If seven of the crosses are destroyed or removed, simultaneously or successively, the Stations have been morally changed. One or the other cross can be substituted without a new blessing.

A change in the order of the crosses or a change of the position in the same church, in the same place, is permissible.

2. If the Stations are transferred to a "morally" different place, the prescribed formalities are necessary, just as in case of the original erection. If a new Way of the Cross is erected in the *same* place in which the Stations have already been canonically erected, the various permissions need not be procured again. The only thing necessary in that case is that a priest authorized by the competent authority repeat that part of the rite which contains the blessing of the crosses.

If a new church is built almost on the same spot and under the same title, the Stations can without further formalities be transferred from the old to the new church.

II. Indulgences of the Stations.

1. All the faithful can gain a plenary indulgence *every time* they make the Stations with a contrite heart, and if they receive Holy Communion on the same day, or make the Stations ten times within a month and receive Holy Communion once, they can gain another plenary indulgence. If, for a reasonable cause, they do not complete this holy exercise, or when using the Station Crucifix (see p. 159, n. 4) they do not say all the prescribed Paters, etc., they can gain a partial indulgence of ten years

and ten quadrages for every Station they have made or for every Pater, etc., they have said. All the other indulgences heretofore granted to the Stations of the Cross are abrogated. A. A. S., 1931, p. 522.

2. CONDITIONS FOR THE GAINING OF THESE INDULGENCES:

a. "*Meditatio Passionis* D. N. J. Christi, quantumvis brevis ac secundum capacitatem." Oral prayers, or meditation on specified phases of the sufferings of Christ, are not required. For the common people a pious remembrance and veneration of, and affection for, the suffering Savior are sufficient.

b. *Physical change of place* from one station to another.

When the Stations are made *privately*, moving from station to station is always required. Contrary indults have been abrogated. S. Penitentiary, December 14, 1917. When the Stations are made *publicly*, and disturbance and disorder may be easily caused by moving about, it is sufficient if the priest, accompanied by two clerics or servers, goes from station to station, pauses at each station and says the prayers, whilst the congregation answer from their places. If the priest cannot be understood on account of the size of the church or other conditions, it is permissible that another priest recite the prayers from the pulpit or some other suitable place, whilst the one priest, accompanied by the two clerics or servers, moves from station to station. The faithful usually arise and kneel for every station, or at least genuflect.

If the Stations are made *in common* by a religious community, it is sufficient if, on account of limited space, the leader (a lay person or a religious) move from station to station. However, where it can be conveniently done, all must move from station to station.

By special indult, in some dioceses it is sufficient if the priests lead the prayers from the pulpit whilst the faithful simply rise and genuflect in their places for the respective stations.

c. UNINTERRUPTED VISITING OF THE STATIONS. By short interruptions the connection is not destroyed. An interruption for some religious reason may be of longer duration, for instance, to assist at Mass or listen to a sermon, or to go to confession and Communion.

Since confession and Communion, prayer for the intention of the Holy Father are not prescribed, it is advisable to elicit an act of perfect contrition before beginning the Stations.

III. The Station Crucifix.

All those who are legitimately hindered from making the Stations of the Cross, can gain the indulgences of the Stations of the Cross if they hold a crucifix blessed for that purpose in their hand and say twenty Paters, Aves and Glorias, and briefly meditate or reflect on the Passion of Christ.

If on account of manual labor or any other reasonable cause the faithful are hindered from holding the Station Crucifix in their hand according to the prescribed form, they can gain the indulgences attached to it provided that when saying the prescribed prayers they carry the Station Crucifix in any manner on their person. A. A. S., 1933, p. 502.

1. FACULTY TO BLESS THE STATION CRUCIFIX, the General, all the Provincials and local superiors of the Order of Friars Minor, have by virtue of their office, and in their absence, their representatives, as specified in the General Constitutions (custos, vicar, discreets).

Since April 1, 1933, the General of the Order of Friars Minor can delegate this faculty only to priests of the Order. However, those priests outside of the Order who had obtained this delegation prior to April 1, 1933, can still use it. A. A. S., 1933, p. 322. According to the prevailing practice, this faculty is given for lifetime and without limitations as to the number of crucifixes to be blessed. Ordinarily this faculty is limited for the priests who are not members of the Order, to places outside of Rome and those

places where there is no house of the Franciscan Order. As the same place where there is a house of the Franciscan Order, must be considered a city with its immediate suburbs, not the outlying districts entirely distinct. In the exercise of this faculty, the religious priests are dependent on their local superiors.

2. The blessing is attached in *forma ecclesiae consueta* (unico signo crucis nihil dicendo). A number of crucifixes can be blessed together, and the papal indulgences can be attached at the same time.

3. The figure of the Crucified Savior must be attached to the *cross*, or at least stand forth in relief. The indulgences are not attached to the cross, but to the *corpus*. The *corpus* must be made of solid material (brass, solid wood, not, however, lead, zinc). The cross itself may be made of any kind of material and may be substituted without a new blessing.

4. THE INDULGENCES OF THE STATIONS can be gained by the use of the Station Crucifix by all those who are at the time *legitimately* prevented from making the Stations. There need not be a physical impossibility, but every legitimate hindrance is sufficient. Sufficere putamus incommodum medio-criter grave seu motivum vere rationabile quacumque demum ex causa proveniat, quod aliquem impedit a visitandis hic et nunc Stationibus canonice erectis. Sleutjes, p. 66.

5. CONDITIONS for the gaining of these indulgences:

The recitation of twenty Paters, Aves, and Glorias without a notable interruption. The state of grace is necessary, not, however, confession and Communion. Whilst a person says the prescribed prayers he must hold the crucifix in his hand. When several persons who are legitimately hindered from visiting the Stations, say these prayers in common, it is sufficient if the leader holds the crucifix in his hand, whilst the others pray along, or alternate, or

follow mentally. C. 934. Light manual labor is also permissible whilst these prayers are said. Beringer, I, p. 430.

Finally, meditation or pious remembrance of the Passion is necessary: passionis Dominicae meditatio vel pia ejusdem recordatio. S. Poenit., December 14, 1917.

The sick who cannot without grave inconvenience or difficulty make the Stations in the ordinary form or by reciting twenty Paters, etc., can gain all the indulgences of the Stations of the Cross by contritely kissing or looking at the crucifix blessed with the indulgences of the Stations (which a priest or any other person may hold before them), and saying some short aspiration or prayer in memory of the Passion and Death of Christ. A. A. S., 1931, p. 169.

The sick who cannot without great inconvenience say the prescribed aspiration or prayer in memory of the Passion and Death of Christ, can gain the indulgences by contritely kissing or looking at the Station Crucifix. A. A. S., 1931, p. 522.

Also the indulgences of the Station Crucifix are no longer personal, but *reales*. Hence, these crucifixes may be lent to others, etc. If the confessor by virtue of C. 935 commutes the conditions for the gaining of these indulgences, the use of a blessed crucifix and the pious remembrance of the Passion of Christ are nevertheless required.

Former faculties to attach the indulgences of the Stations of the Cross to *coronae* as well as to bless such crucifixes for persons not legitimately hindered from visiting the Stations, have been abrogated. S. Penitentiary, December 14, 1917.

PART VIII.

Faculties of the Priest Belonging to Certain Ecclesiastical Associations.

I. Society for the Propagation of the Faith.

1. Object: By prayer and alms to assist in the propagation of the Faith over the whole world.

2. This society was newly organized by Pius XI (A. A. S., 1922, p. 321). Its headquarters are in Rome immediately depending on S. C. de Prop. Fide.

3. FACULTIES AND PRIVILEGES OF PRIESTS:

The priest-promoters enjoy the following privileges:

a. The personal favor of the Privileged Altar three times a week.

b. The faculty to attach the papal indulgences and those of the Brigittine Rosary publicly during missions, retreats, a course of sermons during Advent and Lent, which they preach; otherwise only privately.

c. The faculty to bless the Crosier Rosary and the Station Crucifixes, provided there is no house of the Friars Minor in the place where the Station Crucifixes are blessed.

d. The faculty to receive members into the Third Order of St. Francis, into the Seraphic Confraternity of the Cordigers and the Angelic Warfare of St. Thomas Aquinas, and to bless and enroll into the scapular and cord thereof.

e. The faculty to bless the medal of the Immaculate Conception and the medal of St. Benedict.

f. The faculty to enroll members into the five-fold scapular with a single formula under the usual conditions, provided that in the place in which this faculty is to be used there are no houses respectively of the Trinitarians, Carmelites, Servites and Theatines.

g. The faculty of reciting Matins and Lauds of the following day immediately after mid-day, provided the Office of the day has already been said.

Other faculties, especially for blessing the Dominican Rosary, the members of the diocesan council have and those priests who contribute out of their own means or by collecting turn over to the treasury of the society a sum equivalent to the contribution of 1,000 members.

4. Members of religious communities, both men and women, belonging to orders or congregations which have some of their members in missionary countries working for the evangelization of the infidels can enjoy all the favors granted to persons enrolled in the Society of the Propagation of the Faith (Opus Pontificium a Propagatione Fidei), provided they daily say the prescribed prayers, viz., one Our Father and Hail Mary with the invocation: St. Francis Xavier, pray for us.

In order that they also may have the same favors, the members of other orders and congregations (who have none of their members in the missionary countries working for the evangelization of the infidels) shall be obliged to say these prayers, and besides the religious house in which they live shall have to give yearly an alms to the Propagation of the Faith, for the love of God and souls. S. Congreg. of the Prop. of Faith, February, 1928, Acta Ap. Sedis XX, p. 109.

Faculties under a, b, c, e, can be used only by those who were enrolled before April 1, 1933. A. A. S., 1933, p. 322.

II. Pious Union of the Death of St. Joseph for the Help of the Dying.

1. OBJECT: In every possible manner to bring assistance to the dying.

2. MEMBERSHIP. For the membership is required that the name be inscribed at headquarters in Rome or any local branch or by one of the promoters of the Union.

NECESSARY CONDITIONS FOR THOSE WHO ARE NOT PRIESTS: The daily recitation of the ejaculation: O S. Joseph, pater putative Jesu Christi et vere sponse Virginis Mariae, ora pro nobis et pro animam agentibus hujus diei (noctis). It is recommended frequently to offer one's prayers, especially Holy Communion for the dying, and to make the general intention to offer all the prayers one says and all the good works one performs for the dying.

All the members can daily gain a plenary indulgence if they assist at Mass in a church or public oratory, receive Holy Communion during, before, or after Mass, and pray for the dying (the priests, if they make a special Memento for the dying), and pray for the intention of the Holy Father.

3. For *priests*, in addition to having their names inscribed, the application of one Mass for the dying on the day assigned by the general director, is demanded. It is permissible to ask for a special day. It is recommended to the priest members daily to make the Memento for those who are in their last agony. At least 360 bishops and 50,000 priests belong to the Pious Union.

4. PRIVILEGES (ONLY FOR PRIESTS):

a. Outside of Rome to attach to objects of devotion the papal indulgences (unico crucis signo) "dummodo loci Ordinarii consensus saltem implicite ac rationabiliter accedat". No limitation has been made with regard to the public blessing and with regard to priests who have not the faculties of the diocese.

b. To bless the Dominican Rosary (with the prescribed formula, also the short formula) and the Crosier Rosary (unico crucis signo).

c. To bless the fivefold scapular, singly or together (also using the short formula for enrolling). The names of those who have been enrolled in the three confraternities of the scapulars must be inscribed.

d. To bless the cord of St. Joseph (special formula).

e. As often as the priest members celebrate Mass (in addition to the Mass assigned annually) for the

dying, they enjoy the personal favor of the Privileged Altar for the Dying. The S. Office expressly declared, November 9, 1922: *Indulgentiam esse intelligendam tamquam pro vivis, per modum absolutionis.* See Vermeersch, *Period.* XIII, p. 930. Here we have the only case in which, according to the present practice of the Church (against C. 930), an indulgence can be gained for the living other than oneself. A special votive Mass is permitted for the Mass of the Dying.

N. B.—The faculties under (b) (c) (d) can also be used in places where there are houses of those Orders to whom these privileges are proper. *Si rationabili de causa sacerdos die statuta impeditus fuerit, missam celebret quamprimum.* The priest can also satisfy this obligation by one of the Masses when he binates, for the Mass assigned to him. See *Brev.*, Pius XI, June 29, 1923.

Faculties under a, b, e can be used only by those who were enrolled before April 1, 1933. A. A. S., 1933, p. 322.

III. The Pious Union of the Clergy for the Missions.

1. **OBJECT:** To acquaint the clergy, and through the clergy, the faithful with the needs of the Foreign Missions, and to stimulate a spirit of charity for the needs of said Missions.

2. **MEMBERSHIP:** All priests, both secular and regular, and theological students may become members. A necessary condition for membership is the entering of the name upon the registers of the diocesan or regional headquarters of the Union, or the S. Congregation of the Propagation of the Faith. "*Ipsa adscriptione suscipiuntur onera Piae Unionis propria, et acquiritur jus ad indulgentias lucrandas et favoribus privilegiisque fruendum, quae a Sancta Sede Piae Unioni concessa sunt. Sciant tamen sodales non sufficere nomen dare Piae Unioni, sed naviter et fideliter exsequenda esse ea officia, quae nomen dando susceperunt si gratiis Piae Unioni ab*

Ecclesia concessis vere frui desiderent. Sodales ordinarii vocantur, qui praeter caetera Piae Unionis officia praestita, statutas a Concilio regionali contributiones quotannis solvunt."

3. PRIVILEGES:

a. For the approved confessors the faculties, outside of Rome, with one sign of the cross to attach to rosaries, crowns, crosses, crucifixes, medals and statuettes the papal indulgences, to rosaries the Crosier Indulgences, to crucifixes the indulgences of the Stations of the Cross, to crucifixes a plenary indulgence to be gained in the hour of death by those who, having complied with the usual conditions, kiss, or in some other way touch the same; to bless the crown of the Seven Dolors B. V. M. (special formula); to receive into the fivefold scapular (collective formula, without inscribing the names).

b. The personal favor of the Privileged Altar four times a week, unless they already enjoy a similar favor for another day.

c. The permission for all the members to anticipate Matins and Lauds of the following day immediately after mid-day, provided the Office of the day has already been said. A. A. S., 1926, p. 230.

N. B.—All the priests and theological students of the Order of Friars Minor were inscribed as members of the Pious Union of the Clergy for the Missions by the S. Congregation of the Propagation of the Faith, April 13, 1931. Accordingly all those who were priests or theological students in the Order already at that date, enjoy the above-mentioned privileges perpetually, and any other privileges that may at any time be granted to the Pious Union. A. O. Min., 1931, p. 150.

Faculties under a and b can be used only by those who were enrolled before April 1, 1933. A. A. S., 1933, p. 322. Those who were enrolled before April 1, 1933, but not as yet approved for hearing confessions can also use said faculties. Vermeersch (Periodica, 1933, p. 109).

PART IX.

Faculties of the Apostolic Delegate.

A digest of the faculties of the Apostolic Delegate is presented here. Acquaintance with these faculties may, at times, be of practical help to the confessor, making recourse for certain cases to Rome unnecessary.

1. GENERAL FACULTIES:

1. To visit either in person or through an ecclesiastic of tried virtue, prudence and learning, persons, places and things mentioned in C. C. 344, 512, 1382.

2. To draw up either in person or through an ecclesiastic dignitary all acts or processes concerning men who have been designated by the Holy See for the episcopal or archiepiscopal dignity.

3. To confer on properly qualified persons those benefices mentioned in C. 1435, sec. 1, nn. 1 and 3.

4. To absolve in the forum of conscience as well as in the external forum from all censures reserved in a simple or special manner to the Holy See.

5. To dispense men already ordained from all irregularities arising from crime or defect, with the exception of the irregularity of bigamy mentioned in C. 984, n. 4.

6. To grant for reason of poverty to those who omitted the application of Masses due from foundations or from manual stipends, permission to supply the Masses omitted gradually and the number of Masses that shall be said.

7. To arrange a discreet settlement in the internal forum with those who hold an ecclesiastical benefice and have neglected to say the Divine Office, and therefore forfeited the right to the revenue of their benefice in proportion to their omission.

8. To condone in the internal forum the illegally acquired income of a benefice, acquisition of which was invalid through real simony.

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6. To grant for reason of poverty to those who omitted the application of Masses due from foundations or from manual stipends, permission to supply the Masses omitted gradually and the number of Masses that shall be said.

7. To arrange a discreet settlement in the internal forum with those who hold an ecclesiastical benefice and have neglected to say the Divine Office, and therefore forfeited the right to the revenue of their benefice in proportion to their omission.

8. To condone in the internal forum the illegally acquired income of a benefice, acquisition of which was invalid through real simony.

9. To absolve either in person or through other ecclesiastics, persons who hold lands which were many years ago taken from the Church by the civil law.

10. To dispense from the law of abstinence in particular cases on days when abstinence is prescribed, even on fast days and during Lent.

11. To allow clerics and religious, for a reasonable cause, the private anticipation of Matins and Lauds immediately after twelve o'clock noon any time of the year.

12. To commute, because of poor eyesight or other reasonable cause, the obligation to recite the Office into the daily recitation of the entire Rosary of the Blessed Virgin or other appropriate prayers.

13. To dispense in urgent cases from the academic degrees necessary for the obtaining of certain benefices, which, by the charter of its foundation are required.

14. To grant the faculty to keep and read forbidden books and periodicals.

15. To commute or dispense all simple private vows, even those reserved to the Apostolic See, if the rights of a third party are not injured thereby.

16. To dispense for a just cause from every oath, provided the rights of a third party are not injured thereby.

17. To remit or condone to the poor in the forum of conscience a part or portion of goods illegitimately taken away or retained, whenever the owners are uncertain and the cases occult.

18. To receive—or to delegate in individual cases another qualified ecclesiastic to receive—the denunciations concerning the crime of solicitation.

19. To prolong for a short time the faculties, indulgences and indults granted by the Holy See, which have expired without the petition for their extension having been sent to the Holy See.

II. FACULTIES CONCERNING INDULGENCES:

1. To grant six times a year, on solemn occasions, a plenary indulgence to all the faithful who are truly contrite, receive the Sacraments of Confession and Holy Communion, visit a church or public oratory and pray for the intention of the Holy Father; also to commute the reception of the sacraments into some other work of piety, if it is impossible or difficult to receive the sacrament.

2. To grant three times a year, but in different places, the Papal Blessing. Conditions: Reception of the sacraments and prayer for the intention of the Holy Father.

3. To grant a plenary indulgence for a specific time to all the faithful who receive the sacraments during the Forty Hours' Devotion.

4. To grant a plenary indulgence to be gained in the act of their conversion (*i. e.*, their reception into the Catholic Church) to converts.

5. To grant in particular cases a plenary indulgence on the occasion of a sacred mission, observing the customary rules (*i. e.*, Confession, Holy Communion, visit to a church, and prayer for the intention of the Holy Father).

6. To grant during the term of his office two hundred days' indulgence to all present at the sacred functions conducted by him.

7. To declare one altar in every church of the territory of his jurisdiction privileged every day of the year, in accordance with the precept of C. 916.

8. To erect the Stations of the Way of the Cross, to establish the pious Sodalties of the Rosary, of Our Lady of Mount Carmel, and the Seven Dolors, and to grant this faculty to ecclesiastics for use in places where there are no houses of religious, who, by Apostolic concession have the privilege to bless the Stations or to establish said fraternities or sodalities. Under the same conditions, he has the power to grant to ecclesiastics the faculty to bless and impose the scapulars of the aforesaid sodalities.

9. To grant that the indulgences mentioned above may be applied to the suffering Souls.

III. FACULTIES CONCERNING MARRIAGES:

1. To dispense from the impedient impediments mentioned in Chapter III, Title VII, Book III, of the Code.

2. To dispense for . . . cases for a grave reason from all diriment impediments of ecclesiastical law of minor or major degree, with the exception of those arising from affinity in the direct line by consummated marriage, and those from sacred orders and solemn religious profession.

3. To grant the *sanatio in radice* for . . . cases for marriages contracted invalidly for reason of a diriment impediment, mentioned in n. 2.

IV. FACULTIES CONCERNING OTHER SACRAMENTS AND SACRED RITES:

1. To delegate simple priests for the administration of the Sacrament of Confirmation in those regions in which there are no bishops; this delegation is to be given for some specified time only.

2. To permit for a specified time one Low Mass in public oratories on Holy Thursday.

3. To permit the infirm priests during their illness, or in their old age, the privilege of the private oratory in which they may say Mass according to canonical regulations.

4. To permit the priests of the territory of his jurisdiction the use of a wig during the celebration of the Mass.

5. To concede in particular cases the indult to say Mass outside of a church or oratory and for a reasonable cause to erect an altar in the open air.

6. To permit priests making a voyage either on the ocean or on rivers to say Mass on the boat on a portable altar stone.

7. To reconsecrate either in person or through simple priests delegated by him fixed as well as

portable altar stones which have lost their original consecration.

8. To permit for a reasonable cause in particular cases or temporarily the saying of Mass after three o'clock in the morning.

9. To permit temporarily Requiem Masses to be said twice or three times a week in some church, with the consent of the Ordinary, on feasts of the rank of doubles, with the exception of doubles of the first and second class, Sundays and other feasts of precept, and privileged ferias, vigils and octaves.

10. To grant to priests, both secular and religious, who suffer from weakness of eyesight, or from some other infirmity, faculty to say the Votive Mass of the Blessed Virgin or of the Dead obliging them to employ, if necessary, and if they are entirely blind in every case, the assistance of another priest or a deacon.

11. To grant to persons sick in bed without expectation of early recovery, permission to receive Holy Communion once a week before the expiration of one month of sickness without keeping the Eucharistic fast (*i. e.*, after taking medicine or some liquid food); to grant to the sick who are not confined to bed, but suffer from an illness which, in the judgment of the physician, does not allow them to keep the fast without danger, permission to receive Holy Communion once a week without observing the Eucharistic fast.

12. To permit in individual cases that in churches in which the feast of some Saint mentioned in the Roman Martyrology or otherwise approved by the Holy See is solemnly celebrated, High Masses and Low Masses may be celebrated differing from the Office of the day, provided the Office of the day is not a double or a Sunday of the first and second class, or the Vigil of Christmas, or the Vigil of Pentecost, or the Octave day of Christmas, the Epiphany or Corpus Christi, or Ash Wednesday, or any day of Holy Week.

13. To delegate to any priest in places subject to his jurisdiction temporarily the faculty to consecrate patens and altar stones, using oils blessed by a Catholic bishop.

14. To bless church bells and consecrate churches provided he has advised the local Ordinary of the impending ceremony and he has not objected.

V. FACULTIES CONCERNING RELIGIOUS:

1. To take cognizance in extraordinary cases and in cases of urgent necessity of the state of some religious house and to lend his counsel and cooperation to superiors for the purpose of applying appropriate remedies to the abuses.

2. To dispense for a just cause and at the request of the community from the lack of the dowry required for Sisters or nuns.

3. To concede in particular cases or temporarily faculty to the diocesan Ordinaries to place religious in charge of parishes, if secular priests are wanting, but with the consent of the superiors of the religious and under the condition that at least two other religious live with the pastor.

4. To permit nuns in case of sickness and for other just reasons to remain outside of the enclosure for a length of time to be specified by him on condition that the nuns be always accompanied by their relatives or some honorable woman.

5. To dispense religious of either sex in the form of conscience only from returning to the religious organization and to permit them to remain in the world, whenever they have obtained an invalid declaration of nullity of their vows, provided the nullity is occult; however, the vow of perpetual chastity remains, and the other vows are to be observed as to their essentials, until they have obtained a special dispensation from the Holy See in the matter.

VI. ADDITIONAL FACULTIES:

1. During the vacancy of a diocese within the territory of the Apostolic Delegate, he may at the request of the administrator of the diocese concede all those things which the bishop can do by his ordinary jurisdiction.

2. Whenever there is urgent necessity, he may permit the alienation of ecclesiastical goods or pious causes to the value of sixty thousand francs for European countries, up to one hundred thousand francs for countries outside of Europe.

3. To permit illegitimates to enter the seminary, provided there is no question of adulterous or sacrilegious offspring; however, the obligation remains to have recourse to the Holy See for the ordination.

4. In places where for lack of pastors or because of too great distances the faithful are attended to by missionaries, he may appoint the superior of the mission as pastor, the other missionaries as assistants. He may also grant the superior of the mission for his territory the faculties which vicar generals possess, enumerated in C. C. 1043-1057. Finally, he may in particular cases subdelegate these faculties to the bishops of the territory of his delegation.

5. By decree of the Sacred Congregation for the Oriental Church, December 6, 1928, he is authorized to permit the transition from the Latin to an Oriental Rite, and vice versa, to the Catholic laity, not however, to the priests. A. A. S., XX, p. 416.

PART X.

Third Orders, Especially the Third Order of St. Francis.

1. Secular Tertiaries are those persons who in the world strive after Christian perfection, under the guidance of, and in harmony with, the spirit of some Order, in a manner compatible with the life in the world and according to rules approved by the Holy See. C. 702, section 1.

If the Third Order Secular is divided into several societies, each legitimately established branch is called a *Sodality** of Tertiaries. C. 702, section 2.

The other pious associations *de jure* have a more limited scope; the practice of works of charity and piety, the furtherance of the divine service (C. 707); but the Third Orders are to influence the entire life.

The Third Orders Secular are called such to distinguish them from the religious Orders. Persons who have taken religious vows, perpetual or temporary (not novices), cannot belong to a secular Third Order. When such persons' vows cease or are dissolved, the former membership in the Third Order revives.

Leo XIII, in the *Const. Misericors*, and Pius X, in his *Litterae* of September 8, 1912, point out the object and purpose of the Third Order of St. Francis. According to these documents the main object of the Third Order of St. Francis is personal sanctification by the close observance of the Christian duties and the duties of one's station of life, to be realized principally by the use of the spiritual helps and graces the Third Order offers. The sodalities of the Third Order are not as such to busy themselves with questions of the social or political nature. In its social activities the Third Order should not rival with organizations whose special scope is to take care of the sick, the young and the poor, and these activities should not be considered the main object and purpose of the Third Order. The individual members of the Third Order, however, should take part in all good works of the social, economic and political order.

*In English speaking countries, "Fraternity" is used for a society of Franciscan Tertiaries. However, for the sake of uniformity, "Sodality," the term used by the Code, is retained in this treatise.

2. If certain Orders have an apostolic indult to establish a Third Order Secular, they may receive individual members into their Third Order, but they cannot validly establish a sodality of Tertiaries without the written and express consent of the Ordinary. This also holds for their own churches. A Third Order sodality must be established *ad modum corporis organici*, with a director and officials (discreets), a condition which is not required for confraternities and other pious unions. C. 703.

By the decree of erection issued by the competent ecclesiastical superior, a sodality acquires the right of a legal person in the Church, and now can possess temporal property and transact legal acts (elections, etc.). C. 687.

The method of erecting a Third Order Sodality of St. Francis is given in the Ceremonial of the Third Order, Article VII. There is nothing mentioned, however, as to the necessity of this form being observed under pain of nullity or liceity: therefore, any act of competent authority with the intention of erecting a Sodality would suffice for validity (Gennari *Questioni Theologico-Morali*, n. 336). But since a Sodality is erected into a moral person, this erection becomes an act of public authority, and it is therefore necessary that public proof be available. (C. 99; Chelodi, *Jus de Personis*, n. 98.) Thus this proof of the existence of a Sodality can either be through a decree of erection—which method is advised by Benedict XIII (Bull. *Paterna Sedis Apostolicae*, December 10, 1925)—or through an enactment of the one who has erected the Sodality, with the officials of the Sodality as witnesses: this method is given in the Ceremonial of the Third Order, Article VII.—The Third Order Secular of St. Francis, by Gerald J. Reinmann, J.C.L., O. F. Conv., p. 116.

The opinion that a Tertiary Sodality can be erected which is comprised entirely of novices seems to be without sufficient foundation. Obviously, a Third Order Sodality, as the name implies, must be comprised of at least three professed Tertiaries (for they do not become Tertiaries until they are professed), and it is doubtful if the law could be drawn to such a point where the novices could be called Tertiaries. *Ibid.*, p. 115.

The superiors of the First Order and of the Third Order Regular of St. Francis (Generals, Provincials, local superiors or their representatives) have the right canonically to establish sodalities of the Third Order of St. Francis within their respective territory. In those places in which there are no houses of the First Order, the bishops

receive the faculty from the Generals of the Order to establish sodalities of the Third Order.

Several sodalities of the Third Order can be canonically established in the same place, even in the same church. S. C. Indul., January 31, 1893, March 8, 1905 (for men, women, different languages). Sodality which have been established by one Family of the First Order, cannot, without the consent and knowledge of those who established it, go over to the authority of another Family. S. C. de Rel., November 24, 1911. Even though the Three Families of the First Order (Franciscans, Capuchins, and Conventuals) direct the Third Order in the same manner, nevertheless the Third Order is only one, the Third Order of St. Francis. All distinctions in this matter are forbidden. Pius X, Lit. Tertium Franc. Ord., December 8, 1912.

There are eight or nine Third Orders. The Secular Oblates of St. Benedict are also a Third Order Secular.

3. *The Direction of the Third Orders* primarily belongs to the superiors of their respective First Orders. C. 702, 1. This right of direction is limited by the rights of the bishops. See C. 703: Concerning the erection of sodalities. C. 703, 3: Regulations with regard to the wearing of a particular garb. C. 690: All societies, even though established by the Holy See, are under the jurisdiction and vigilance of the bishop of the diocese, unless there is a special privilege of exemption, and the bishop has the right and the duty to inspect them. Societies, however, that have been established by the religious in their own churches by virtue of an apostolic indult, the bishop has no right to visit in regard to internal discipline or spiritual direction of these societies.

By virtue of an apostolic privilege (Benedict XIII), the superiors of the First Order and Third Order Regular are the qualified directors of the Third Order of St. Francis within their territory (houses, provinces). The Generals, Provincials, local superiors or their representatives appoint the visitors (commissaries), who should visit the different sodalities at least once a year. The superiors of the First Order are also authorized to preside over the meetings and legal acts (elections, balloting) of the Third Order and to watch over the observance of the Rule, to rebuke the negligent and to exclude the disobedient. They can also delegate their power, either in part or entirely, to secular priests and religious of different Orders, by appointing them the directors of their respective sodalities.

Acta O. Min., 1921, p. 305. If secular priests are appointed directors of the Third Order, the Ordinary should be consulted. Pius X, Lit. Tertium, September 8, 1912, Mileta, p. 55. It is permissible to unite the delegation to a certain office, for instance, to that of the pastor of a certain parish, making the pastor and his lawful successors the directors of the Third Order. The Franciscan superiors and those directors who have been delegated *ad universitatem causarum* can delegate also for single cases (reception, profession, general absolution). With the exception of the internal discipline, the Third Order of St. Francis is in every other respect (churches of the Tertiaries, property of the sodality, charitable activities) entirely and exclusively subject to the jurisdiction of the Ordinary. For particulars, section 4, Act. Ord. Min., 1922, p. 203.

A pastor or any priest who has been legitimately appointed director for the Third Order in one place, in case of transfer to another place, can without further delegation be the director of the sodality of that place, even though that sodality be under the jurisdiction of a different obedience. However, he should inform the visitor thereof. S. C. Indulg., March 4, 1903.

4. To enjoy the rights, privileges, indulgences and other spiritual advantages, the *valid reception* is required and sufficient. These rights, etc., are lost by lawful dismissal. C. 692.

Non-Catholics, members of a condemned society, persons publicly known to be under ecclesiastical censure, and in general, public sinners, cannot be *validly received* into the Third Order. C. 693, section 1.

Absent persons cannot be received into the Third Order (as an organized sodality); those present only with their knowledge and consent. C. 693, section 3.

Without an apostolic indult, those belonging to one Third Order cannot at the same time belong to another Third Order. For reasonable causes, however, a member of one Third Order may join another Third Order, or the member of one sodality go over to another. C. 705.

Only those who are at least fourteen years old, those who are of a good behavior and strong faith may be received into the Third Order of St. Francis; women only with the consent of their husbands. C. Misericors, Lex Sod., c. 1.

By *means of the investment* the admission into the Third Order is effected. The reception is valid even though a person does not affiliate with any particular sodality. S. C. Indulg., July 14, 1891. The entering of the name upon the roll-book is prescribed. It is necessary for the valid membership of a particular sodality. C. 694.

The rite for the reception is contained in the Caeremoniale, Article 2. Essential is the blessing of the scapular and the cord. The scapular must be of woven wool and brown, black or grey color. The connecting bands may be of any material and color (Tischler). The cord may be made of wool or hemp or linen. Essential is also the formula by which scapular and cord are handed over. Permissible is also the reception by the use of the formula *in numero plurali*. Being a liturgical act, the essential form must be recited in Latin. C. 1148. It is permissible to recite the formula in Latin, and then to repeat it in the vernacular. Ordinarily the scapular of the Third Order cannot be substituted by a medal (March 20, 1922); however, the Holy See in accordance with chapter 3, n. 6, of the Rule of the Third Order of St. Francis, has granted the superiors of the Third Order the power in exceptional cases and for weighty reasons to permit the use of a medal instead of the scapular. After a year of probation the novice makes his profession into the hands of the superiors of the First Order or a priest delegated for that purpose. For the reception in a special sodality the consent of the *directorium* (council) is required. A. Ord. Min., 1922, p. 206.

He who, except in case of necessity or lawful dispensation, does not wear the scapular and cord, forfeits for the time the privileges and spiritual graces of the Third Order. As such, the profession to keep the Rule, does not bind under sin.

The profession can also be made in a sodality of a Family other than that in which the reception took place, even as a matter of convenience. S. C. Indulg., March 4, 1903.

The year of probation begins with the day of reception. The profession cannot take place validly till a day later in the following year. C. 34, section 3. No special time has been set for the entering of the names upon the roll-book. The indulgences can be gained from the day of reception, even before the name has been recorded. S. C. Indulg., August 3, 1899; Acta Ord. Min., 1922, p. 144.

He who after the profession leaves the Third Order of his own free will or is legitimately excluded from it, need not, in case he is again admitted, be invested anew. However, the director and his councilors may demand some probation and the renewal of profession. If, however, a novice puts off the scapular and cord with the intention not to make the profession, or with the intention to quit the Third Order, does not make his profession, he ceases by that very fact to be a member of the Third Order, and in case he wishes to join again he must make his novitiate over. Stein, p. 98.

5. *The Rules of the Third Order* have been approved by the Holy See; hence, they are not subject to modifications, corrections or changes by the Ordinary. C. 689.

The Rule of the Third Order of St. Francis as reformed by Leo XIII (C. Misericors, Lex Sodalium 2), contains precepts concerning frugality, simplicity in the manner of clothing and life, the avoidance of sensual shows and dances as well as sumptuous banquets; concerning table prayers, two fast days (vigil of St. Francis and the vigil of Immaculate Conception); concerning monthly Communion, the Offices (twelve Paters, Aves and Glorias, or the Little Office of the B.V.M.); for clerics the breviary is sufficient); concerning timely making of the last will; concerning the barring of dangerous literature; concerning mutual charity and the striving to allay discords; concerning assisting at daily Mass, monthly meetings, care for the poor, sick and deceased members. Chapters 1 and 3 designate the organization and direction of a sodality.

Every kind of dancing, if not forbidden by the letter of the Rule, certainly seems to be against the spirit of the Third Order, which by its very nature is an Order of Penance. In exceptional cases modest and moderate dancing because of social standing may be tolerated, especially with the permission of the director.

For just causes the superiors, visitors and those directors who have general delegation, can dispense, in individual cases, from the observance of the Rule or commute certain obligations. This power of dispensing does not affect those things which are prescribed under pain of nullity, for instance, the duration of the novitiate.

The Provincial with his definitorium can make statutes for the Third Order of his territory. Const. Gen. O.F.M., n. 696.

6. No validly received member can be *dismissed* unless there be weighty reasons, as specified by the statutes. To be expelled are especially those who, after previous admonition, make themselves guilty of a misdemeanor which in itself would make the reception into the Third Order invalid. See n. 4, C. 693, section 1. Even though the statutes make no provisions, the Ordinary as well as the superiors have the right to dismiss members from the associations erected by themselves. C. 696.

Sodales nec obediētes et noxii iterum et tertio admonentur officii sui: ni pareant, excedere Ordine jubeantur. C. Misericors, Lex. c. 3, 4. The expulsion is done by the superiors, visitors, directors, or Ordinary.

7. INDULGENCES AND SPIRITUAL PRIVILEGES. As such, the Third Orders do not enjoy the communication of indulgences with their respective First Orders; they can gain only those indulgences which have been directly granted them.

To the Third Order of St. Francis, however, Pius X, May 5, 1909, granted *in perpetuum* the communication of indulgences with the First and the Second Order of St. Francis. Of the indulgences granted the Third Order of St. Francis are mentioned here:

A. *Benedictio cum indulgentia plenaria*, General Absolution. *Cfr. supra.*

The General Absolution is a blessing of the Church (*benedictio invocativa*), to which a plenary indulgence is attached under the ordinary conditions (confession, Communion, and prayer for the intention of the Holy Father). This indulgence is also applicable to the Souls in Purgatory.

a. The General Absolution can be given on the following days (in brackets the days granted originally):

January 1. Circumcision (I. Order)
 January 6. Epiphany (I. O.)
 February 2. Purification of B. V. M. (I. O.)
 First Friday in March, feast of Sorrowful Way (I. O.)
 March 19. Feast of St. Joseph (III. O.)
 March 25. Annunciation (I. O.)
 All the days of Holy Week (I. O.)
 Easter Sunday (I. and III. O.)
 Ascension of our Lord (I. O.)
 Pentecost (I. and III. O.)
 Holy Trinity (I. O.)
 Corpus Christi (III. O.)
 Sacred Heart (III. O.)
 June 29. SS. Peter and Paul (I. O.)
 July 2. Visitation (I. O.)
 August 12. St. Clare (I. O.)
 August 15. Assumption of B. V. M. (I. O.)
 August 22. Seven Joys of B. V. M. (I. O.)
 September 8. Nativity of B. V. M. (I. O.)

September 17. Stigmata of St. Francis (III. O.)

October 4. Feast of St. Francis (I. O.)

November 1. All Saints' Day (I. O.)

November 19. St. Elizabeth (III. O.)

November 21. Presentation of the B. V. M. (I. O.)

November 25. St. Catherine (I. O.)

December 8. Immaculate Conception (I. and III. O.)

December 25. Christmas (I. and III. O.)

Once every year at the end of the canonical visitation (I. O.)

Four times a year on any other convenient day (I. O.)

Instead of the Papal Blessing, which is given twice a year to the Tertiaries *publicly*, the Tertiaries in whose place there is no canonically established sodality, have the privilege of receiving the General Absolution twice a year in the confessional. Indult, January 31, 1893.

b. *Publicly* the General Absolution can be given on the entire natural day; *privately* (in the confessional) already on the preceding day.

The imparting of the General Absolution is considered *public* if it is given to a number of Tertiaries together outside of the confessional. It is not necessary that these Tertiaries represent a canonically established sodality. The Tertiaries can also receive the General Absolution in an outside sodality, even if it belongs to a different branch of the Order. Sacramental confession is not prescribed for the private reception of the General Absolution; however, the place is prescribed. Hilgers, Linz. Qu. Schr., 1917, p. 208.

Furthermore, the General Absolution can be given to all the Tertiaries publicly and privately on any day of the week (*infra octiduum*) following the day on which the General Absolution is permitted. Breve, April 14, 1917. No special cause is required.

c. The Franciscan Superiors can impart the General Absolution *publicly* for the Tertiaries of their territory; the director for the Tertiaries of his sodality. Other priests (even those who have no jurisdiction as yet) can receive general delegation from the superiors (visitors, commissaries) and for individual cases also from a director who himself has general delegation.

In the absence of a delegated priest, every approved confessor can impart to a gathering of Tertiaries the General Absolution and also the Papal Blessing. A. A. S., 1912, p. 22.

The Tertiary priest who lawfully imparts the General Absolution and the Papal Blessing publicly, himself gains the plenary indulgence if he is legitimately hindered from going to someone else for the General Absolution.

The secular Tertiaries can gain the plenary indulgence, if they receive the General Absolution with the religious of the I., II. or III. Orders (formula: *Ne reminiscaris*) in case they cannot on that day be conveniently (*commode*) present when the General Absolution is imparted to the III. Order Secular. S. R. C., June 7, 1919; A. Ord. Min., 1923, p. 24.

The word "*commode*" permits of a liberal interpretation.

Privately (in the confessional) every approved confessor can give the General Absolution.

d. *Ritus for the Public Imparting*: violet stole, formula: *Intret oratio*. The first prayers are said kneeling at the foot of the altar; *Misereatur*, etc., standing on the Gospel side of the altar.

In the confessional the short formula is sufficient: *Auctoritate a Summis Pontificibus mihi concessa plenariam omnium peccatorum tuorum indulgentiam tibi impertior in nomine Patris et Filii et Spiritus Sancti. Amen.*

In order that the Tertiaries gain the indulgence it is required "*ut scapulare parvum unaque cingulum de more gerant: ni gesserint, statis privilegiis juri-busque careant*". Reg., c. 1, n. 3. However, according to chap. III, n. 6, the superiors can for weighty reasons and in individual cases commute the wearing of the scapular into that of a medal (*numisma ex aere confectum piam aliquam imaginem proferens*). S. C. de Rel., March 25, 1922. The medal need not be blessed nor need it be worn with a string attached to the neck. With the legitimate commutation of the scapular the obligation of wear-

ing the cord also ceases. All other faculties of commutation have been abrogated. Acta Ord. Min., 1923, p. 23.

B. *Papal Blessing.*

The Tertiaries have the right to receive the Papal Blessing twice a year.

The formula to be used is the one prescribed in the *Rituale Romanum*. When receiving the Papal Blessing, the Tertiaries can gain the plenary indulgence under the ordinary conditions (confession, Communion, and prayer for the intention of the Holy Father).

The Papal Blessing can be given only publicly, i.e., if a number of Tertiaries are gathered together; not, however, privately to the individual Tertiaries. It is not required that a sodality of Tertiaries exist in the place where the Papal Blessing is imparted.

Every priest who is authorized publicly to impart the General Absolution, can also give the Papal Blessing.

Instead of the Papal Blessing the General Absolution can be given privately twice a year.

C. *Special Indults for the Tertiaries.*

1. The Tertiary priests have the personal favor of a Privileged Altar, if they do not possess this privilege already from some other source.—All the Masses which are said for the deceased members are privileged.

2. The sick and the convalescent Tertiaries who cannot conveniently (*commode*) leave the house, can gain the same indulgences as they would gain by visiting a church of the First Order or the church in which the Third Order is canonically established, provided they say five Our Fathers and Hail Marys, and, in addition, pray for the intention of the Holy Father (confession and Communion). Leo XIII, Breve, September 7, 1901. This indult also holds with regard to the Portiuncula Indulgence. Acta Ord. Min., 1923, p. 25.

3. The secular Tertiaries can gain all the indulgences that can be gained by all the faithful as well as those indulgences proper to the Third Order by visiting the parish church in those places in which there is no church in which the Third Order is canonically established. S. C. Indulg., January 30, 1893. The indulgences which have been granted to the faithful for visiting a church of the First Order can now also be gained by the Tertiaries in those churches in which the Third Order has been established. S. Off., June 8, 1916. Acta Ord. Min., 1923, p. 25.

4. The secular Tertiaries who live in seminaries, colleges, hospitals and other similar institutions in which there is but one semi-public oratory, can, by visiting this chapel, gain all the indulgences which otherwise require a visit to the church of the First Order or the church where the Third Order is canonically established, whenever a visit to the aforesaid churches cannot be made without difficulty. S. C. Ind., July 18, 1902. C. 929.

The indults under 3 and 4 also hold for the Portiuncula Indulgence. The indults under 2-4 hold both for the indulgences which have been directly granted to the Third Order and also those which they can gain by virtue of the communication of indulgences with the First and the Second Order. A. A. S., 1916, p. 263.

5. Those Tertiary priests who are not obliged to assist at the office in choir, may read their office according to the Calendarium of the First Order (of that family, to which they belong). This privilege has not been abolished by the decrees of Pius X concerning the Breviary. Acta Ord. Min., 1915, p. 105. In private oratories they may use the Missal of the First Order. In private oratories as well as in the churches of the First Order, they also enjoy the privilege of *Missa votiva de Immaculata* on Saturdays, just as the priests of the First Order.

6. For the priests who are directors of the Third Order of St. Francis, but cannot join the Third Order, because they are members of some religious community or another Third Order, the privilege was renewed December 13, 1928, for seven years,

according to which they participate in all the indulgences and spiritual favors, enjoyed by the Sodality of which they are the directors. Acta Ord. Min., 1929, p. 39.

7. Validation of invalidly established sodalities, as well as of invalid receptions and professions in the Third Order of St. Francis, was granted December 5, 1933. Acta Ord. Min., 1934, p. 82.

8. THE THIRD ORDER OF ST. FRANCIS IN THE UNITED STATES. Since the Seventh Centenary of the Third Order, in 1921, the various Tertiary provinces have federated into a national Tertiary organization known officially as the Third Order of St. Francis in the United States.

The object of this national organization is to further the full observance of the Rule of the Third Order, i. e., to promote a truly Christian life according to the spirit of St. Francis, notably, to foster national union and cooperation among the Tertiary provinces, the fraternities, directors and members of the Third Order.

The office of the National Secretary (3140 Mermac St., St. Louis, Mo.), has been designed to serve as a clearing house for information respecting the Third Order in all its phases; literature; applications for faculties to receive and profess members of the Third Order; applications for canonically establishing new fraternities; affiliation of fraternities with existing Tertiary provinces, etc.

PART XI.

Canonical Standing of Religious with Regard to the Sacred Ministry.

The religious superiors should make provisions that their subjects appointed for outside work, when invited by the Ordinary or the pastors, gladly and willingly assist in the sacred ministry, especially in the diocese in which they reside. C. 608, section 1.

On the other hand, Ordinaries and pastors are urged by the Church to invite the religious for the purpose of assisting in the sacred ministry, especially for hearing confessions; and in this matter preference should be given to those religious who reside in their diocese. C. 608, section 2.

CHAPTER I.

Religious Priests and the Ordinary.*

In the exercise of the sacred ministry, the exempt regular, too, is subject to the jurisdiction of the local Ordinary and is bound by his regulations. In particular, with regard to the relation between the exempt religious and the Ordinary, the following regulations, which in a great measure curtail the exemption of the religious, are to be observed:

1. SACRED PREACHING. The local Ordinary has the right to preach in all the churches of his own territory, also those of the exempt; he may likewise forbid sermons to the people in other churches of the town or city (unless the city be very large) at

*By the term "Ordinarii loci" Canon Law understands every ecclesiastical superior who has ordinary jurisdiction over a determined territory: Diocesan Bishop (Vicar General), Vicar, and Prefect Apostolic, Praelatus nullius. In exempt clerical Religious Orders the major superiors are also considered Ordinaries: General, Provincial, Abbot. C. 198. "Religio" is a society approved by legitimate, ecclesiastical authority, having public vows, either perpetual or temporal. "Ordo" is a religious organization in which solemn vows are taken. "Congregatio" is a religious body with simple vows. "Religiosi" are those persons who have taken vows in any religious community. "Regulares" (nuns) are the professed members of an Order. C. 488.

the time when either he himself preaches or has a sermon preached in his presence. C. 1343. For every sermon to be preached to the laity or religious, the exempt religious must have the permission both of his superiors and of the local Ordinary. C. 1337. If a sermon is to be preached only to the exempt religious and to persons of their household, the religious superior of a clerical exempt community alone grants permission; he may also give this faculty to secular priests and other religious priests, provided they have been approved by the Ordinary or by their religious superior. C. 1338.

If the bishop deems the help of the religious necessary for the catechetical instruction of the people, also the exempt religious superiors must make provisions that these instructions be given, especially in their own churches, without, however, any detriment to the religious discipline. C. 1334. All regulations laid down by the local Ordinary concerning the teaching of Christian doctrine must be observed also by exempt religious whenever they instruct non-exempt persons. C. 1336.

If the local Ordinary has ordained that a short explanation of the holy Gospel, or any other point of Christian doctrine be given on Sundays and holy-days of obligation, at the Masses attended by the people, exempt religious, too, must observe these regulations in their churches. C. 1345.

Priests of another diocese, also the religious, are not allowed to preach without the permission of the bishop of the place where the sermon is to be given. The duty of obtaining this permission rests with the spiritual superiors of the church, where the sermon is to be preached. C. 1341.

The faculty of preaching should be given only to priests or deacons, not, however, to other clerics, unless the bishop sees fit to grant it in individual cases. C. 1342.

The Ordinaries should insist that the pastors have a mission given to their parishioners at least once in ten years. The pastors, not excluding those of

Religious Orders, must obey the Ordinary's regulations concerning these missions. C. 1349.

There is a constant change in our parishes, which nature, in the lapse of time, itself effects. In a very few years the child has reached the period of youth, the girl has attained womanhood, the boy has become a man. This changes almost the entire complexion of a parish about every five years; and, hence, a mission should be given at least every five years. Our city parishes, in most instances, are composed of a large floating population; there is a constant going out of people and a corresponding influx. Where such conditions obtain, a mission will be productive of great fruit every three years. The opinion of St. Alphonsus that a mission every three years is enough for any parish seems to hold good, even for our modern conditions. *Nequid nimis!*

Religious are forbidden without the consent of the major superior and the bishop to publish any book on religious or secular topics, or to be contributors to, or editors of, daily papers, periodicals, booklets, etc. The permission to publish books may be given either by the proper Ordinary of the author, or by the Ordinary of the place of publication, or by the Ordinary of the place where they are printed. C. 1385, 1386.

The "Imprimatur"—which should be given in writing—must be printed either at the beginning or at the end of a book only if it contains matters subject to censorship; hence, not in books that treat of merely secular topics. Vermeersch, II, p. 394.

The commentators do not agree on the question whether the favorable opinion of the censor—usually expressed by the words "Nihil obstat", together with his name—should be printed in the book above the "Imprimatur" of the Ordinary. Hence, there is no strict obligation to have the "Nihil obstat" of the censor inserted in the book.

2. DIVINE WORSHIP. For the churches belonging to the exempt religious, the bishop may not fix the hours of service. However, the superiors should make provisions that the services in their churches do not interfere with the attendance at the catechetical instructions or sermons given in the parish church. The judgment in this matter is left to the bishop. C. 609, section 3.

Regulations with regard to divine worship, made by the Ordinary that neither in public nor in private worship, nor in the private lives of the faithful,

superstitious practices be introduced, or anything contrary to faith or to the ecclesiastical tradition, or anything that has the appearance of sordid profit-making, must be observed also by exempt religious. C. 1261.

For the consecration of churches, bells, and altars episcopal power and consent of the Ordinary are required also for the churches of exempt religious. C. 1155, 1156.

Without the approval of the local Ordinary, no one is allowed to expose for public veneration any unusual image, also in the churches of the exempt. C. 1279, section 1.

Only such relics may be exposed for public veneration, also in the churches of the exempt, as are authenticated by a document of a cardinal, or the bishop of the diocese, or by another ecclesiastic who has by Apostolic indult the faculty to authenticate relics. C. 1283, section 1.

With the exception of the Corpus Christi procession, also the exempt religious may not conduct processions outside their churches and cloisters without the permission of the local Ordinary. C. 1293.

If for any public cause the local Ordinaries prescribe the ringing of the church bells, special prayers, or some religious solemnity, also the exempt religious must obey, however, without detriment to their constitutions and privileges. C. 612.

Exorcisms may be employed only with the special permission of the Ordinary; or with the permission of the major superiors, if both the exorcist and the possessed belong to an exempt community. C. 1151.

Within the limits of the diocese in which they celebrate Mass, also the exempt religious must say the *Oratio imperata* prescribed by the bishop as well as the special oration on the day of his preconization and consecration; likewise must they mention his name in the Canon of the Mass and in the *preces* of the Office, provided he be a residing bishop, not, however, if he be only a vicar-apostolic, or titular bishop (S. C. R., March 8, 1919), unless he has special faculties in this regard.

All religious, though they have a proper *ordo*, must say the Office and Mass of the following feasts: Principal patron of the place, city, diocese, province, country, the titular feast, anniversary of the consecration of the cathedral (regulars without octave); they need not, however, celebrate other feasts granted to a country or diocese.

In the churches of Regulars and the parish churches that have been entrusted to their care *perpetually* or *indefinitely* their *Ordo* must be used at Mass. D. D. 4051, 4348, 4252. The same holds for the oratories of Nuns and Sisters of these Orders, provided they recite the Divine Office. The Congregations of men and women who are ruled by a general and are obliged to say the Divine Office also have their own *Ordo*. All the other communities must follow the diocesan *Ordo*, unless special concessions have been made. D. 4312. In the oratories of the Third Order Regular of St. Francis, men or women, even though only the Little Office of B. V. M. is recited there, the Romano-Seraphic *Ordo* may be used. D. 4132 ad 1. Visiting priests must conform to the respective *Ordo*.

In the principal oratories of convents, schools, hospitals, etc., other than mentioned above, the diocesan *Ordo* must be used at Mass, even by the Regulars who are in charge of the sacred ministry there. In the secondary and the private oratories every priest may use his own *Ordo*. D. D. 3862, 2910, 4248. Cardinals and Bishops may use their own *Ordo* everywhere. C. C. 239, n. 9, 249, n. 1.

3. THE HOLY EUCHARIST. The special regulations of the bishop concerning the celebration of the Mass by visiting priests, in so far as they are not contrary to the general rules of the Church, must be observed also by exempt religious, unless there is a question of admitting for the celebration of Holy Mass religious priests in churches of their own order. C. 804, section 3.

The regulations of the local Ordinary concerning *Mass stipends* and *stole fees* must likewise be observed by exempt religious. C. 1303.

In case of pious foundations in churches of exempt religious, though they be parish churches, the rights and duties of the local Ordinary, of which Canons 1545-1549 treat, belong exclusively to the major superiors of the religious. C. 1550.

4. THE ADMINISTRATION OF THE SACRAMENT OF PENANCE. The Ordinary of the place also confers

upon the exempt religious priests the jurisdiction to hear the confessions of both seculars and religious. In clerical exempt religious orders and congregations, the "proper" superior, according to the constitutions, can give delegated jurisdiction to hear the confessions of his subjects: the professed, the novices and those who board in the religious house, mentioned in Canon 514, section 1; this jurisdiction he can give also to secular priests and priests of another order or congregation. C. 874, 875.

The superiors shall see that all religious make their confession at least each week. C. 595.

"Shall see" (curent) according to the terminology of the Code means: "Shall encourage" (persuadeant). A. A. S., 1922, p. 663. Hence, the superiors should *encourage*, not *command*, their subjects to make their weekly confession. The confessor may, for good reasons, permit, even advise, less frequent confession.

5. ADMINISTRATIVE AND JURIDICAL PROCEEDINGS. a. Regulars who are *unlawfully* away from their house, do not enjoy the privilege of exemption. C. 616, section 1. If a regular has committed a crime outside the religious house and the local Ordinary has without result admonished the superior to punish him, the local Ordinary may punish such a religious, even though he was lawfully outside the house when he committed the crime, and has since returned to the house. C. 616, section 2.

If disorders have crept into an exempt religious house and the bishop has without result asked the superiors to stop the disorders, he is obliged to refer the matter to the Holy See. The small houses or residences (with fewer than six inmates of whom four are priests) of the exempt religious, remain under the special vigilance of the local Ordinary, and if there abuses have crept in which are a scandal to the faithful, the local Ordinary may in the meantime, while awaiting instructions from the Holy See, take steps to put an end to the scandal. C. 617.

Collections ordered by the bishop for the maintenance of the seminary, must be taken up also in the churches of the exempt. C. 1355.

Ordinaries of dioceses have the right to visit any schools, oratories, asylums, orphanages, or any other similar institutes or houses in order to investigate all matters connected with religious and moral instructions. From this visitation only those schools which are conducted by an exempt religious community exclusively for their professed members are exempt. C. 1382.

If a religious is put in trust of goods by donation or last will in favor of any church of the diocese, or for the benefit of residents or pious works in the diocese, the bishop, whose duty it is to watch over these matters, must be notified; if donations are made for other purposes, the major religious superior. C. 1516, 1517.

b. In all matters in which religious are subject to the bishop, they may also be punished by him with ecclesiastical penalties. C. 619.

In *disputes* between a religious on the one part and a secular priest or a layman on the other, the matter is to be referred to the local Ordinary at the first instance. C. 1579, section 3.

All superiors are strictly forbidden to interfere in cases pertaining to the Holy Office (Solicitation). C. 501.

The *local interdict* of the bishop binds also exempt religious in the place of interdict. C. 2269.

6. RELIGIOUS AND EPISCOPAL DISPENSATIONS. By an indult which the local Ordinary legitimately grants to the people of the diocese, the religious living in the diocese are also freed from the obligation of the common law for which dispensation was granted, however, without prejudice to the vows and the constitutions of their own institute. C. 620.

In *favorabilibus* exempt religious, too, may use general dispensations which the bishop grants either by ordinary or delegated power, for instance, with regard to fast, abstinence, sanctification of Sunday, prohibited books.

Regulars may, *a fortiori*, with the permission of their superior, request dispensations from the general laws of the Church in individual cases from the Ordinary, for instance, irregularities. Such dispensations do not suspend

the obligations of the rule or the constitutions, except when it is in the power of the bishop to dispense from these likewise, for instance, with regard to diocesan congregations. Indulgences granted by the bishop can be gained by those exempt religious who actually live in the diocese. C. 927.

CHAPTER II.

Religious Priests and the Local Pastor.

The faculties reserved to the pastor are as follows (C. 462):

a. To baptize solemnly.

No priest or deacon may baptize solemnly without the permission of the pastor. *Strangers* are not to be baptized by the pastor of the place where they happen to be born, but by their own pastor and in their own parish, if this can be done without inconvenience and without delay; otherwise, any pastor may baptize solemnly in his territory the children of *strangers*. Notification must, in this case, be sent to the *proper* pastor so that the baptism can be entered in the baptismal record. C. 738, 739, 778. Churching of women is not reserved to the pastor.

b. To carry the Blessed Sacrament publicly to the sick within his parish.

Other priests are permitted to do this only in case of necessity or with at least the presumed permission of the pastor or the bishop. Any priest may bring Holy Communion to the sick *privately*, but only for a reasonable cause. Permission of the bishop is not required. C. 847, 849, 1. In a decree of the Sacred Congregation of the Sacraments of December 23, 1912, the fact that several persons wish to receive Communion of devotion or that one person wishes to receive it often, is considered a sufficient reason.

Catholic people of any Rite are permitted to receive Holy Communion (also Easter Communion) consecrated in any Rite; however except in case of necessity, the Holy Viaticum is to be administered by the proper pastor. A. A. S., 1929, p. 158.

c. To administer holy Viaticum, whether publicly or privately, and to give Extreme Unction, within the limits of his parish.

Other priests may do this only in case of necessity or with at least the presumed permission of the pastor or the bishop. The excommunication formerly incurred by religious offending in this matter is abrogated. C. 850. *Viaticum* must be understood in the strict sense. In houses of nuns having solemn vows, these functions are proper to the ordinary confessor or his representative. In other lay congregations the right to administer Viaticum and Extreme Unction belongs to the local pastor, unless the bishop has appointed for such a house a chaplain with full parochial power. C. 464, 514. In the United States only a few communities of nuns have the solemn vows. Those who have no solemn vows are treated in this matter as the other lay congregations.

d. To announce sacred orders (except those of regulars) and the marriage banns. To assist at the marriages and to give the nuptial blessing within the limits of his parish, exempt churches included, and to delegate others to assist at marriages and to give the nuptial blessing.

e. To perform the funeral services of his parishioners (transfer of the body to the church, funeral services in church, depositing of the body in the cemetery, C. 1204) according to C. 1216.

In families in which some members belong to one Rite, some to another, the funeral shall be conducted by the pastor of that Rite to which the deceased belonged. A. A. S., 1929, p. 158.

The church to which the body is to be taken is by law the church which was the *proper* parish church of the deceased. C. 1216. If a person died outside of his own parish, the body is to be brought to his parish for the funeral services, if the journey can be made on foot without inconvenience; otherwise to the nearest parish church in the place where he died. C. 1218.

The exempt religious may have a cemetery of their own, distinct from the common cemetery.

All the faithful, with the exception of the professed religious, may choose the church from which they wish to be buried, as also the place of burial. C. 1223.

The superior of regulars has the right to bury his own subjects as also the servants that have been in the employ of the monastery. If the religious dies outside his house he may either be buried by the pastor of the place where he died, or be transferred to a house of his order. C. 1221. Guests, students, wards of the monastery, are buried by the pastor. C. 1222. Other religious, not subject to the pastor, are buried by the chaplain in charge.

In a recent decision the Papal Committee declares that C. 1221 does not include postulants and students. A. A. S., 1929, p. 573. Hence the pastor, and not the superior, has the right to bury postulants and students who are preparing themselves to enter a community in schools conducted exclusively for candidates of the community, unless they have lawfully chosen another church for their funeral services.

If the civil authority does not concede to the regulars the right to have their own cemetery, they may exercise all their rights in the common, public cemetery. S. C. C., January 24, 1846; February 24, 1872. If the cemetery of nuns having solemn vows is located within the enclosure, the Sacred Congregation of Bishops and Regulars (April 24, 1903,) tolerates the custom that the confessor and other priests and the laborers required, enter the enclosure to bury a deceased nun. Vermeersch, Period. I, pp. 15, 125. The enclosure of nuns having only simple vows is only episcopal.

f. To bless houses on Holy Saturday or on any other day, according to local customs, with the formula prescribed by the Ritual.

g. To bless the baptismal font on Holy Saturday and the Saturday before Pentecost; to have public processions outside the church in his parish; to give blessings outside the church with great pomp and ceremony. C. 462.

The pastor has the right to the revenue to which legitimate custom or legal taxation, according to C. 1507, section 1, entitles him. If any of the parochial offices are attended to by another priest, the fees or offering belong to the pastor, unless the contrary will of those making the offering is certain concerning the sum that is over and above the ordinary tax. C. 463. With regard to marriage fees, C. 1097 rules: The pastor who assists at a marriage without the permission required by Canon Law may not retain the stole fee, but must forward it to the proper pastor. Hence, of course, if he assists with the required permission he is also entitled to the stole fee. With regard to funeral fees, C. 1236 rules: Barring particular ruling, whenever one of the faithful is buried outside of his own parish church, his *own* pastor has a right to the parochial portion of the funeral offering, unless the corpse cannot be brought conveniently to his own parish church.

N. B.—The religious superior who has assisted at a solemn profession of his subjects or a major superior with whose dimissorials his subjects have been ordained subdeacons, must notify the pastor of the place of their baptism of this fact so that proper entry can be made in the baptismal record. C. 576, 1011.

CHAPTER III.

The Religious Pastor.

1. The observance of the vows and constitutions is binding on the religious pastor in as far as this is compatible with his office of pastor. In all matters pertaining to the religious life he is subject to his superior, who must supervise his conduct without interference on the part of the bishop. As pastor he is subject to the bishop in all matters regarding jurisdiction, visitations, corrections, like any other pastor; not, however, with regard to his religious observance.

The bishop, as well as the religious superior, if the pastor is neglectful in his office, may punish him with ecclesiastical penalties. If the bishop and the superior disagree, the orders of the bishop prevail. C. 630, 631. For leave of absence he must recur both to the bishop and to the superior. C. 465.

2. The temporal goods which he acquires as pastor of his parish, he acquires for the parish; other goods he acquires in the same manner as his fellow religious.

Notwithstanding his vow of poverty, he is allowed to accept, collect and manage alms for the benefit of the parishioners, or for the Catholic school, or other pious institutions connected with the parish. He may, also, according to his judgment, spend those alms in accordance with the intention of the donors. The superior, however, has the right to keep watch over the transactions of the pastor.

3. To collect, accept, keep and manage alms for the building, upkeep, repair or decorations of the parish church belongs to the superior if the church is owned by the religious community, otherwise to the bishop (pastor appointed). Regarding investment, administration of parish money, see C. 533, 535, 631. If the church of the religious is at the same time a parish church, the pastor alone has the rights and duties of the pastoral office. C. 471. See C. 609, 415.

CHAPTER IV.

Religious Superiors and Their Rights.

1. All superiors of religious communities can, for good cause, annul the non-reserved (private) vows of their professed subjects; they can suspend (annul indirectly) the vows of postulants, novices and servants which are incompatible with their state or their duties. C. 1312.

2. In clerical communities (Order or congregation) the superior (priest) has the right and the duty to administer Viaticum and Extreme Unction himself, or by other priests subject to him (delegated by him), to his subjects (also those persons who live day and night in the religious house as servants, guests, or wards, C. 514), outside of the religious house, however, only to the professed members and novices, with due regard to C. 848. A. A. S., 1931, p. 353.

Clerical superiors conduct their deceased subjects to the church from which the funeral takes place; regular superiors also bury them.

Religious superiors and priests of the same Order delegated by them, have the power of blessing those sacred utensils which must, according to the liturgical laws be blessed before they are used, for their own churches and oratories, and for the churches of the nuns subject to them. C. 1304.

Consecration of chalices and patens must be performed by the bishop. Chalices and patens do not lose their consecration by the wearing off or renewal of the gold plating. C. 1147, 294.

The Tabernacle must be blessed. Decr. Auth. 4035. Rit. Rom., tit. 8, c. 23. It is at least proper to bless the ciborium and the lunula (ostensorium). *Benedictio tabernaculi* or *bened. ostensorii* in append. Rit. Rom. should be used.

Benedictio sacerdot. indumentorum has reference to the chasuble, stole, maniple, alb, humeral, which must be blessed; cincture very probably must also be blessed. Other ecclesiastical vestments, as cope, dalmatics, tunic, surplice, are fittingly blessed. For the blessing of the pall, the *benedictio corporalium* is used.

The *bened. linteaminum altaris* pertains only to the altar cloths. Purificators, veil for chalice, burse need not be blessed. Decr. Auth. 2572.

Care of Sacred Utensils. Clerics, and those who have the care thereof, i. e., sacristans, both religious and lay, may handle the sacred vessels, not containing the Blessed Sacrament, and the sacred linens. C. 1306. Capello (1928) I, p. 662.

The purificators, palls and corporals used in Holy Mass shall not be given to lay persons, even religious, to be washed until they have been first washed by a cleric in major orders; and the water used in the first washing shall be poured into the sacrarium, or if there be no sacrarium, into the fire. C. 1306, sec. 2. This first washing should be done in a vessel that is used for no other purpose.

A church that is blessed (in case of grave and urgent necessity also a consecrated church) belonging to a religious community, if desecrated, is reconciled by the clerical superior of the religious, or by another priest with at least his presumed permission. Ordinary holy water is used. For a consecrated church holy water specially blessed for that purpose is required. C. 1176, 1177.

The solemn blessing of *crosses* and *religious pictures* is the privilege of the major superior of exempt religious. C. 1279, 4. He may also delegate other priests to do this. The blessing that is not solemn, may be performed by any priest. The blessing is considered solemn, when it is performed with chant, in public and ministri assisting.

A reserved blessing performed without the necessary permission is nevertheless valid unless the contrary has been declared. C. 1147.

3. By virtue of the ecclesiastical jurisdiction vested in them, the superiors of clerical exempt communities dispense their subjects from the ecclesiastical laws of fasting, abstinence, attendance at Mass, abstaining from servile work on Sundays and holydays in individual cases and for good reason in the same manner as pastors their parishioners. C. 1245.

The aforesaid superiors have likewise the power to dispense their subjects from vows which are not

reserved, if thereby no harm results to the rights acquired by a third party. C. 1313, 1314.

In non-exempt religious communities the power of dispensing the religious in the points mentioned above is vested in the local Ordinary (pastor) if the clerical superior does not happen to have these faculties by virtue of special privilege, approved constitutions, legitimate custom or general delegation of the Ordinary. According to C. 464, the local Ordinary may withdraw non-exempt religious houses from the jurisdiction of the pastor.

The respective superior of regulars according to the constitution, grants priests the faculties to hear the confessions of his subjects.

4. *a.* The major regular superior (Abbot, Provincial, General, as well as those who take their place,) may, in urgent cases (*si in mora sit periculum gravis damni*) if it is impossible to have recourse to Rome, and there is question of a dispensation which the Holy See is wont to concede, grant a dispensation from ecclesiastical laws, for instance from the recitation of the Breviary. C. 81.

He furthermore dispenses in a doubt of fact (*dubium facti ad cautelam*) in case of laws from which the Roman Pontiff usually dispenses (C. 15), for instance, in doubt as to the existence of irregularity (*defectus corporis*). He decides as to the existence as well as to the cessation of infamy of fact. C. 2293, 2295.

The major superior of regulars may dispense his subjects from all *irregularities* incurred by secret crime, except deliberate homicide, and effective procurement of abortion, and other crimes brought before court. C. 990. See Privileges of Religious.

It falls within the province of the major superior to grant dismissorial letters (C. 964); to reduce the time of retreat before ordination (C. 1001); to notify pastors regarding the reception of sub-deaconship (C. 1011); to fix the limits of the enclosure (C. 597); to dispense from irregularities *ex defectu*. C. 984, section 3.

b. The major superior can for a just and reasonable cause give permission, in case of an exempt religious house, to celebrate Holy Mass outside the church or oratory on a consecrated altar stone, in

a decent place, but never in a bedroom. This permission may be given in an extraordinary case and only *per modum actus*, not perpetually. C. 822.

The General, and in particular cases other superiors, may exempt professors and students (magistri et alumni) from some community exercises and also from the choir, especially the midnight office, if they judge it necessary. C. 589.

The restriction of Clement VIII (decr. 25. Junii 1599), "solis diebus quibus eos legere contigerit" is omitted in Canon Law. Vermeersch, I, p. 281. Prümmer, pp. 280-299.

The General Constitutions of the Order of Friars Minor, n. 164, give local superiors power to dispense from the obligation of choir *ad breve tempus*; the power to dispense for a longer period (ob gravem causam) is reserved to the Provincials. Regarding the *lectores actuales*, see A. Ord. Min., 1922, p. 76, coll. 1913, p. 249. For the major vacation the Provincials are not to grant a general dispensation, but only in particular cases.

The grave obligation of choir is an *obligatio localis seu realis* of the religious community of regulars (with few exceptions) and nuns, provided they have solemn vows and papal enclosure. Since visitors, though members of the same Order, do not belong to the community, they are not taken into consideration in regard to the obligation of choir. Specific regulations of the constitutions, which ordain that visitors in other houses of the Order must after a specified number of days attend choir, do not affect this general law.

The obligation of choir does not bind if there are not at least four professed clerical religious who are obliged to attend choir present, and are not at the time prevented from attending choir. If the constitutions make it obligatory for fewer to recite the office in choir, this must, according to general law, be observed. C. 610.

The individual religious, whether he has made the solemn or simple profession, is not obliged *sub gravi* to attend choir, if his presence is not necessary to make the public recitation of the office possible, probably not even *sub levi* per se. Sickness, official business, lawful dispensation are sufficient reason for absents oneself from choir. Pastoral duties, in general, have precedence to the obligation of choir.

Without doubt the obligation of choir is fulfilled if four are present, probably also if there are only three or even two. Fanfani, n. 266; Schaefer, Jus Reg., p. 261. Novices who are clerics are sufficient.

The recitation of the office must take place in the choir of the church, or at least in an oratory that is connected with the church; furthermore, *per modum chori*, i. e., alternately. There is no obligation of silently praying that part which the opposite side of the choir recites, nor that which is recited by individuals. Those who without their own fault do not hear the opposite side recite, need not supply this part. The same holds good for those who are occupied with matters pertaining to the choir-service, for instance, ringing the bells, playing the organ, even if they miss parts of the office. According to St. Alphonsus (Theol. Mor. I, IV, no. 163), religious probably comply with their obligation by reciting their part *submissa voce* and listening to the recitation of the opposite side, because it is not necessary for one choir-side to hear all members of the opposite side recite.

Even though in smaller monasteries an excuse for reciting the hours at a time not sanctioned by the rubrics or ecclesiastical custom may easily hold, nevertheless it can hardly be proved that there is an *obligation* of choosing such a time for the common recitation of the office, if the recitation of the office at the prescribed time is impossible (for instance, Prime and Tierce after the Conventual Mass, Vespers and Compline before noon). Nor is the superior obliged, once the time for the recitation of the office has been fixed, to change it considerably or frequently in order to make possible the common recitation of the office. This would certainly be a great inconvenience for the superior.

The religious when outside of their *own monastery*, if they are to remain (permansuri) more than a month in a house of their own Order, must follow the Kalendarium of this house in the private recitation of the office; if they are to stay there not beyond a month, they must follow the Kalendarium of their own house; if they stay outside of a house of their own Order for a notable time, they must follow the Kalendarium of their own province. Arregui (Ed. 4), p. 275. Some orders have particular rulings in this matter. Thus, for instance, a Friar Minor that stays more than three days in another house of the Order, must conform to the Kalendarium of that house. In all other cases he must follow that of his own house. Caerem. Rom. Seraph (1927), n. 80.

The major superior can designate and declare one altar privileged daily and perpetually in the conventual church. C. 916.

c. He has the right to bless a *locus sacer* (church, public oratory, cemetery,) belonging to the order, to reconcile a consecrated church belonging to the order, to bless and lay the corner-stone of a church

belonging to the order, to bless the bells thereof; or he may delegate another priest for the blessing. C. 1156, 1163, 1169, 1176. The consecration of any place, even though it belongs to the regulars, pertains to the Ordinary of the place. C. 1155.

With the permission of the major superior, oratories (in addition to the church) may be established in the religious houses, after he has personally or by another cleric ascertained that the place is proper for that purpose. Without his permission, an oratory thus established may not again be used for profane purposes.

Such oratories are semi-public. For their blessing, the *benedictio communis loci vel domus* is to be used. Rit. Rom. VIII, 7.

In colleges and other institutions for the education of youth, there should not be erected other minor oratories besides the principal one, unless, according to the judgment of the Ordinary, necessity or great utility make their erection advisable. C. 1192.

d. It is the exclusive right of the exempt major superior to accept, prescribe the regulations concerning the quantity of the endowment, to invest money covering pious foundations and to watch over the same in churches of religious, even if said churches are parish churches. C. 1550.

When goods are given in trust to a religious either by way of donation or by last will for pious purposes in charge of religious, the religious superior must be notified, and it is his duty to watch over the fulfillment of the pious intention of the testator. C. 1516.

e. He may give permission to his subjects for the reading of books forbidden by the general law of the Code, as well as by decree of the Holy See, for individual books and in individual and urgent cases. He can also delegate this faculty. C. 1402. He himself is not bound by the ecclesiastical prohibition of books. C. 1401.

f. Exempt major superiors may inflict ecclesiastical penalties (*etiam suspensio ex informata conscientia*) upon their inferiors within the general limitations. C. 2220, 2186 sqq.

It falls within their province to act as judges in first instance in legal quarrels between religious of the same community. C. 1579. *Causae S. Officii* (e. g., solicitation) are withdrawn from the jurisdiction of the religious superiors. C. 501.

Above superiors can absolve their subject either personally or by a delegate from censures imposed by the Ordinary *latae sent.*; likewise in occult cases from censures imposed by the Holy See *ordinario modo*. C. 2237.

Since the faculties enumerated above constitute a *poteslas ordinaria jurisdictionis* of the major superiors, they may be delegated totally or in part to inferior superiors or others, unless the law makes restrictions. C. 199.

CHAPTER V.

Privileges of Religious.

Religious Orders or Congregations have only those privileges which are either contained in the Code or which have been directly granted them by the Holy See, and for the future all communication of privileges is excluded. The privileges which Regulars enjoy belong likewise to the solemnly professed nuns of the same order, in as far as they are capable of enjoying them. C. 613.*

Following are the privileges still enjoyed by the Orders, and of the Congregations that enjoy the participation of privileges with them. See Prümmer, 1, c., pp. 301, 308 ss.

*The Order of Friars Minor enjoys the communication of privileges with all Orders, mendicants and non-mendicants. Ferraris, Priv., Art. 1, n. 23 ss. Pius X granted the Order directly: *ut mutua indulgentiarum communicatione perfrui in perpetuum possint quotquot sub Patriarchae S. Francisci vexillo militant ad quemque Ordinem vel Ordinum Familiam pertinent*. Act. Ord., 1911, p. 243. In a response of June 9, 1919, the S. C. R. expressly declared this communication as still existing. In addition to this communication among the First, Second and Third Orders of St. Francis, Pius X granted the three Families of the First Order (Friars Minor, Conventuals, Capuchins) the mutual communication of all *graces and privileges*. Const. Sept. jam., Oct. 4, 1909.

Privileges acquired by *communication* remain in force, since they have not been expressly revoked (CC. 4, 60), and a *communication* only "in posterum" is forbidden. Eichmann, Kirchenrecht, page 231. A private inquiry was answered in this manner by the S. C. De Rel.: "Donec S. C. religiosorum privilegia accuratius non pependerit." Toso, Jus pontificium II, p. 105, Romae, 1922.

1. DIVINE OFFICE. *a.* Clement VII granted regular superiors the power to dispense their subjects who are occupied with preaching, hearing confessions, teaching or studying theology, caring for the sick, from the recitation of the office by imposing some other few prayers. These prayers should be at least six or seven Psalms, seven Our Fathers, and the Creed twice. (Const. Dudum, 1533) Pius V, C., *Ad immarcescibilem*, 1567.

b. FOR THE SICK. The *Summarium Indulg. O. F. M.*, approved July 31, 1841, contains this privilege (n. 44): *Fratres Minores et Moniales quando sunt infirmi, possunt dicere 7 Ave Maria et unum Pater Noster loco officii divini, aut quid aliud sibi assignatum a confessario suo; et si infirmitas sit gravis et medicus ita judicaverit, ne ad hoc quidem erunt obligati, sed sufficit sola intentio, qua velint illud recitare.* Schneider, *Rescripta Auth. S. C. Indulg.*, p. 336.

c. The Poor Clares (choir sisters) received from Innocent IV the privilege: For a reasonable cause to recite the office of the lay-sisters instead of the regular office. By virtue of the communication, the Order of Friars Minor and the other Orders of men and women enjoy this privilege. Mocchegiani, *Jurisprudentia Ecclesiastica II*, p. 30.

With regard to *causa rationabilis* Mocchegiani quotes Potestas: "Causa rat. erit si gravi sit et justo negotio occupata, si sit nimis scrupulosa, si capitis indispositionem patiatur, si nesciat expedite legere." S. Alph., Th. Mor. IV, n. 63 (Ed. Gaude II, p. 491), adds: "si confluat multitudo poenitentium, si laxati sint ex itinere vel contione." See likewise Piat, *Jus reg. II*, p. 352. According to the rule of St. Francis the lay-office consists of 76 Our Fathers.

Leo X is said to have conceded to the Order of Friars Minor (1516) the privilege of privately reciting the divine office *mentally*: "Regulares posse extra chorum quando soli et privatim recitant totum officium recitare mentaliter." Vict. ab Appelterm, *Comp.*, p. 227. Concerning authenticity and juridical value of this privilege, see *Analecta Eccl.*, 1911, p. 419 (contra Melata *ibid.*), *Monitore Eccl.* XIV, p. 78 (Card. Gennari). St. Alph., Th. Mor., I, IV, n. 63 (Ed. Gaude II, p. 491). Mocchegiani, l. c. II, p. 26, rejects it.

2. HOLY MASS. The Sacrifice of the Mass may everywhere be celebrated by regulars two hours before dawn and two hours after noon. In their own churches they themselves as well as all other priests may for a just cause say Mass two hours after midnight and three hours after noon.

3. ORATORIES. The General and Provincial of regulars may, without the permission of the local Ordinary, establish oratories (apart from the public church) in their houses, even several in the same house.

In these oratories any number of Masses may be celebrated every day without exception, both by members of the order and by secular priests or priests of other orders. The faithful may there likewise satisfy their obligation of Sunday Mass.

The same privilege holds good with regard to summer houses, farms (*domus rusticae, villae, grancia*), when the religious gather there to hear Mass. Greg. XIII, C. Decet. 3. Maii, 1575. All above mentioned oratories are semi-public according to Canon Law, S. C. R., 23. January, 1899.

4. REGULAR CONFESSORS have the privilege:

a. To commute non-reserved vows of seculars as long as there is no *jus tertii* involved. This power holds too when the vows "*juramento confirmata sunt*" as well as for "*juramenta in honorem Dei facta*". The regular confessors have also the power to dispense from these vows. See C. 1320.

S. Alphons., Th. Mor., I, III, n. 257: *Ex communi D. D. cum Lessio, etc., omnes confessarii regulares possunt dispensare vota quorumcumque fidelium.*

The S. Penitentiary still considers the *votum perfectae* and *perpetuae castitatis* made after contracting marriage reserved, and gives special faculties to the bishops to dispense *ad petendum debitum*.

If only one of the married couple has made the vow, though with the consent of the other, it is not the *votum perfectae castitatis*, and therefore not reserved, hence subject to the dispensation of the Ordinary and the regular confessor. Vict. ab Appelt., p. 621, Vermeersch, p. 325.

If husband and wife have made the vow by mutual consent, it is reserved, and the regular confessor cannot dispense. With regard to this case, take notice of the probable opinion: "*Si Uterque (conjux) etiam mutuo*

consensu vovit castitatem, potest vir directe irritare votum uxoris, haec jam libera suspendere votum mariti et sic uterque jam petere debitum." Arregui, p. 25; Ferreres, I, p. 300.

b. The regular confessors have the faculty to dispense *secular clerics pro foro interno* from all *irregularities ex delicto*, except voluntary homicide "tam ad suscipiendos quam ad exercendos ordines". Leo XII, C. Plura inter, July 11, 1826, pro S. J.

During missions and public retreats they can dispense *pro foro conscientiae in actu sacramentalis confessionis* from all occult irregularities "etiam specialem, expressam et individuum mentionem exigentibus". Pius VI, Resc., 27. Maii, 1789, pro Passionistis. Vermeersch, I, c., p. 351. Ballerini-Palmieri, VII, p. 341.

If there is danger that the matter become public, the regular confessor should not use this power. Prümmer, p. 314.

c. The regular confessors can absolve seculars from censures reserved to the local Ordinary by *jus commune*. S. Alph., Th. Mor., I, VII, n. 99, Priv. 100.

This privilege is of practical value especially in case of the censure incurred *ob procuracionem abortus*. In case a public reconciliation is necessary, the regular confessor should not use this privilege, for instance, if the excommunication reserved to the Ordinary on account of a marriage *coram ministro acatholico*, has been incurred.

Regular confessors need not have the permission of their superiors for the use of this privilege.

N. B.—*Ex privilegio*, the major regular superiors can dispense their inferiors from all irregularities. In case of homicide this power holds good only *pro foro interno*. On Monday after the first Sunday of Lent local superiors of regulars also may either in person or through a delegated confessor, dispense their subjects (novices also) living in the monastery, from all irregularities. Vermeersch-Cr., II, n. 261.

5. In the absence of a *suitable companion* (approved confessor) of their own Order, who is willing to hear their confession, regulars when outside of their monastery (extra conventum commorantes seu itinerantes) can confess to any other priest, whether regular or secular, *even though not approved by the bishop*. Comp. Privilege. Regular., p. 134.

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consensu vovit castitatem, potest vir directe irritare votum uxoris, haec jam libera suspendere votum mariti et sic uterque jam petere debitum." Arregui, p. 25; Ferreres, I, p. 300.

b. The regular confessors have the faculty to dispense *secular clerics pro foro interno* from all irregularities *ex delicto*, except voluntary homicide "tam ad suscipiendos quam ad exercendos ordines". Leo XII, C. Plura inter, July 11, 1826, pro S. J.

During missions and public retreats they can dispense *pro foro conscientiae in actu sacramentalis confessionis* from all occult irregularities "etiam specialem, expressam et individuum mentionem exigentibus". Pius VI, Resc., 27. Maii, 1789, pro Passionistis. Vermeersch, I, c., p. 351. Ballerini-Palmieri, VII, p. 341.

If there is danger that the matter become public, the regular confessor should not use this power. Prümmer, p. 314.

c. The regular confessors can absolve seculars from censures reserved to the local Ordinary by *jus commune*. S. Alph., Th. Mor., I, VII, n. 99, Priv. 100.

This privilege is of practical value especially in case of the censure incurred *ob procuracionem abortus*. In case a public reconciliation is necessary, the regular confessor should not use this privilege, for instance, if the excommunication reserved to the Ordinary on account of a marriage *coram ministro acatholico*, has been incurred.

Regular confessors need not have the permission of their superiors for the use of this privilege.

N. B.—*Ex privilegio*, the major regular superiors can dispense their inferiors from all irregularities. In case of homicide this power holds good only *pro foro interno*. On Monday after the first Sunday of Lent local superiors of regulars also may either in person or through a delegated confessor, dispense their subjects (novices also) living in the monastery, from all irregularities. Vermeersch-Cr., II, n. 261.

5. In the absence of a *suitable companion* (approved confessor) of their own Order, who is willing to hear their confession, regulars when outside of their monastery (extra conventum commorantes seu itinerantes) can confess to any other priest, whether regular or secular, *even though not approved by the bishop*. Comp. Privilege. Regular., p. 134.

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